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# Collective Bargaining in the Ontario Government Service

A REPORT OF THE SPECIAL ADVISER  
HIS HONOUR JUDGE WALTER LITTLE  
MAY, 1969







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# **Collective Bargaining in the Ontario Government Service**

**A REPORT OF THE SPECIAL ADVISER  
HIS HONOUR JUDGE WALTER LITTLE  
MAY, 1969**

THE UNIVERSITY OF CHICAGO

# Collective Responsibility

by

Samuel P. Huntington

Editor

Published by the University of Chicago Press

Chicago, Illinois, U.S.A.

1963



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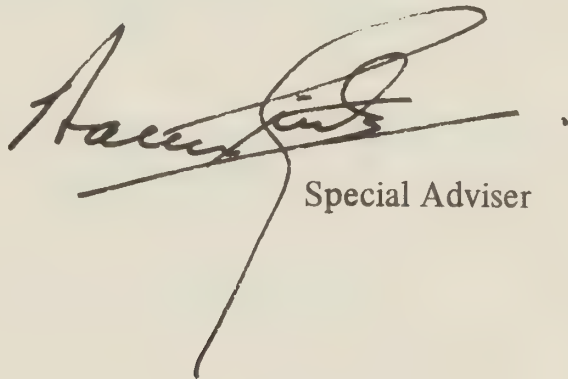




TO HIS HONOUR,  
THE LIEUTENANT GOVERNOR OF THE  
PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

Having been appointed by Order-In-Council OC-3173A/67 dated the 20th day of July, 1967 as Special Adviser to review and to report upon Collective Bargaining in the Public Service of Ontario and the Crown Agencies and Commissions as defined in the Public Service Act, I am pleased to submit to Your Honour my Report.



Special Adviser

May 9th, 1969





## ORDER-IN-COUNCIL

Copy of an Order-in-Council approved by His Honour the Lieutenant Governor, dated the 20th day of July, A.D. 1967.

The Committee of Council have had under consideration the report of the Honourable the Provincial Treasurer, dated July 14th, 1967, wherein he states that,

WHEREAS collective bargaining has been in effect in the Public Service of Ontario since 1963;

AND WHEREAS it is now considered appropriate to review the existing negotiation and related procedures applicable to the Government as an employer and the representative Associations of Public Servants and employees of Crown Agencies and Commissions as defined in The Public Service Act;

The Honourable the Provincial Treasurer therefore recommends that

His Honour Judge Walter Little,  
Parry Sound, Ontario,

be appointed as Special Adviser to review and to report upon Collective Bargaining in the Public Service of Ontario, and the Crown Agencies and Commissions as aforesaid.

The Honourable the Provincial Treasurer further recommends that such a study shall have due regard for the public interest, and be of such nature and extent that the said Special Adviser shall in particular report upon:

1. the determination of appropriate bargaining units,
2. the recognition and employee support of bargaining agents,
3. the scope of bargaining,
4. the form that agreements may take, and
5. the methods and procedures of negotiation within the bargaining system in which compulsory arbitration is the final means of resolving disputes.

And the Honourable the Provincial Treasurer further recommends that all Government Departments, Boards, Agencies and Commissions shall assist the Special Adviser to the fullest extent in order that he may carry out his duties

and functions. and that he shall have the authority to engage such staff and technical advisers as he deems proper at rates of remuneration and reimbursement to be approved by the Treasury Board.

The Committee of Council concur in the recommendations of the Honourable the Provincial Treasurer and advise that the same be acted on.

Certified,

“J.J. Young”  
Clerk, Executive Council



# CHAPTER I

## HISTORICAL BACKGROUND

Originally the only forum for discussion concerning working conditions between the Government and its employees as represented by the Civil Service Association of Ontario was the Joint Advisory Council. The Council consisted of three representatives from the Association, and four representatives from the Government one of whom acted as Chairman and could cast the deciding vote. The Joint Advisory Council operated in this fashion for about twenty years until 1963. Its purpose was to enable employees of the Crown to make collective representations to the Government. Its power was limited to an advisory role, with the result that its decisions were not binding upon the parties. One of the by-products of the Council was the establishment in 1959 of a formal grievance procedure.

The legislative framework for the present collective bargaining system is set out in Sections 19a and 19b of The Public Service Act 1961-62. These were enacted in 1963 and subsequently amended by Bill 165 in 1966. The amendments extended collective bargaining beyond the public service to certain other areas of Crown employment and introduced a mediation stage in the collective bargaining process. (Appendix I).

“Crown employees” are defined in The Public Service Act as being all employees of the Crown other than those employed by the Workmen’s Compensation Board, the Ontario Northland Transportation Commission and The Hydro-Electric Power Commission of Ontario.

In 1968 The Public Service Act and The Financial Administration Act were amended to clarify that the management representatives in the public service bargaining process are appointed by and responsible to the Treasury Board and that the determination of salaries for classes subject to collective bargaining is provided by the Treasury Board following negotiations and is not subject to unilateral determination by the Civil Service Commission.

The legislation basically provided for the collective bargaining of matters concerning the terms of employment of Crown employees, including working conditions, remuneration, leaves of absence and hours of work, except as specifically excluded by Regulation. Matters which are not settled by this procedure may be referred to mediation and, if necessary, to the Civil Service Arbitration Board.

### **Ontario Joint Council**

The Ontario Joint Council created by amendments under The Public Service Act, consists of three members representing the government and three members representing the Association, together with a non-voting Chairman.

In 1963 the Council established rules which have not been amended since that time and which provide the procedure governing the operation of the Council.(See Appendix II).

Among the more important matters considered and put into effect by the Council in 1963 and 1964 were revisions to the Regulations concerning overtime, stand-by time, lay-off procedure and conditions of employment for the unclassified staff.

### **Changes in Membership of Council**

In August, 1967, the membership of the Council was revised and, in addition to the Chairman now consists of the President and two full-time employees of the Association, and the Director of Staff Relations, Treasury Board, the Executive Director of the Department of Civil Service and the Director of Pay and Classifications Standards of the same Department. This change was designed to expedite the consideration of matters at the Council stage by assuring that the members are already familiar with the issues under discussion. The Chairman of the Council continues to have an important role in determining what issues may properly be placed on the agenda of the Council within the meaning of Section 19a of The Public Service Act and the Rules of the Council.

### **Negotiation Procedure**

In 1964 the Government and the Association agreed that it was not practical to conduct all negotiations at meetings of the Council and that a procedure should be developed to permit direct negotiation in order to settle, define or narrow issues in dispute prior to referral to the Council. In August, 1964, the Staff Relations Branch of the Treasury Board was established to represent the Government in negotiations. The Director of the Staff Relations Branch and the General Manager of the Association act as the chief negotiators for the parties. This resulted in a marked decrease in the number of meetings of the Council indicating that a number of negotiable issues were being settled by direct negotiation.

### **Grievance Procedure**

The grievance procedure is set out in Sections 25 to 46 of the Regulations under The Public Service Act. On the one hand, it includes separate procedures for grievances concerning dismissal, working conditions and terms of employment and, on the other hand, alleged improper classification of an employee. Two tribunals, the Classification Rating Committee which deals with classification grievances, and the Public Service Grievance Board which hears disputes concerning all other matters, have been operating respectively since 1961 and 1959. This procedure permits grievors to have an employee representative who is "a person who is the nominee of a person who has a grievance or of an employee association selected by the person named to act on his behalf in respect of the grievance". With few exceptions the representative selected has been a member of the staff of the



Association. The Association has therefore acted as “agent” for many of its members even prior to being officially recognized as a collective bargaining agent.

## **Bargaining in Crown Employment Outside the Public Service**

By virtue of amendments to The Public Service Act in 1966, bargaining is now taking place in respect of employees of the Ontario Hospital Services Commission, the Niagara Parks Commission and the Ontario Water Resources Commission. Bargaining in each of these agencies takes place at the local level between Management and the Association along with representatives of its local Branch. Two other areas in which collective bargaining takes place are on behalf of the uniformed staff of the Ontario Provincial Police, including and below the rank of Staff Sergeant, and employees of the Liquor License Board and the Liquor Control Board comprising a single unit. These latter negotiation procedures are essentially the same as set out in sections 19a and 19b of The Public Service Act although operating separately.

In addition, the Ontario Housing Corporation bargains with the Canadian Union of Public Employees for a bargaining unit of maintenance employees who became part of its work force when the Metropolitan Housing Authority was absorbed by the Corporation on November 1st, 1964.

With the introduction of the Colleges of Applied Arts and Technology, as dealt with specifically later, new bargaining groups came into being early in 1968.

## **The Cyclical System of Bargaining Salaries and Fringe Benefits Separately**

Commencing in 1963, the Department of Civil Service and the Association agreed to negotiate on salaries biennially for the following categories:

- Maintenance, Office and Technical Classes
- Inspectional Classes
- Institutional Classes
- Social Work and Welfare Classes
- Administrative and Professional Classes

The parties subsequently reallocated classifications to the following five categories:

- Social Services
- Operational
- Scientific and Technical
- Administrative
- General Services

The matters now negotiated can be categorized as follows:

- (i) Salaries
- (ii) Fringe Benefits
- (iii) Other matters relating to working conditons and terms of employment

The third category largely involves matters presently incorporated in the Regulations under The Public Service Act, such as overtime, hours of work and grievance procedure. The parties agreed that these matters should be dealt with collectively on a regular basis.

### **Review of Formation and Development of the Civil Service Association of Ontario (Inc.)**

On April 21st, 1911, about two hundred Civil Servants met in the Ontario Parliament Buildings at a meeting described as a "preliminary organization meeting of the Civil Service." The Chairman briefly referred to "the necessity of a Civil Service Association, pointing out its possibilities in the way of improving the Service, promoting social intercourse, urging healthy athletics and co-operating with one another with the purchasing of supplies". Subsequently a general meeting was held on June 1, 1911, when a constitution was adopted and officers elected.

Early in 1912 the activities of the Association were expanded and included the naming of a committee to draft a proposed superannuation plan for presentation to the government. Later that year, the Association appointed a committee to meet the Premier to "present a resolution from the Civil Service Association of Ontario respectfully requesting that the by-law closing hour, usually enforced in July and August, be made to apply also to the month of June".

The record indicates continued consultation with the government on the Association's superannuation proposals which culminated in the Superannuation Plan for civil servants adopted in 1920. This plan gave the Association the right to nominate representatives to the Superannuation Board on behalf of the civil servants.

In 1927, the Association became incorporated under the Ontario Companies Act.

In 1944, the Association was given more formal recognition by the government when a Board of Review was established with the Association having membership on it. A Joint Advisory Council was also established with the Association appointing three of its members. With the growth of the Civil Service throughout the province, the Association established branches initially in government institutions and gradually extended them to cover all departments of government throughout the province. By 1948 there were forty such branches.



Commencing in the fall of 1967, a detailed study and analysis of the existing organizational structure and procedures of the Civil Service Association was conducted by a committee composed of officers of the Association assisted by independent consultants. As a result, recommendations were made to the Board of directors and thence to a special meeting of the Association held in April 1968. This resulted in the Association approving changes in its organization structure designed to provide better service for its members and improve channels of communication between the membership and the officers and staff.

As of January 1st, 1969, the Association had 178 chartered branches covering 26 separate geographical districts of the province with a total recorded membership of 33,240. The Board of Directors comprises one director for each district. The Association President is on full-time leave of absence with the Association reimbursing the Government for his salary and other costs.

In concluding this historical review of the formation and development of the Association I would be remiss if I failed to comment upon the evolution which has attended the structure, function and modus operandi of the Association. From its beginning, almost sixty years ago, as a socially-oriented organization, it has developed into a duly constituted, independent and progressive bargaining agent. It has achieved this status without the benefit of any compulsory form of dues' support and despite the difficulties inherent in a most diversified and geographically extended force of employees. It is therefore today an effective bargaining agent truly representing on a voluntary basis the interests of all those for whom it bargains.

## CHAPTER II

### NATURE OF BARGAINING UNITS AND EMPLOYEE REPRESENTATION

#### Scope of Bargaining Units

It should be understood that the structure of a bargaining unit in the public service is without parallel in the private sector. To illustrate, the principal unit covering the employees of the Crown includes such classifications as unskilled and skilled personnel working outside as well as inside the various government buildings and institutions, clerical staff, hospital attendants and representatives of practically all professions. This has given rise to problems relating to the determination of persons appropriate for exclusion from the bargaining process. While the parties have been successful in a large measure in resolving this problem, I found it necessary to examine in great detail the status and functions of many classifications of personnel which will be enlarged upon later in this Report.

The status of those classifications presently excluded by agreement of the parties or in some instances by decision of the Civil Service Commission on appeal thereto, was confirmed by certificates of the Commission.

The Niagara Parks Commission, the Ontario Hospital Services Commission and the Ontario Water Resources Commission adopted a process for determining the bargaining unit similar to that used in the Civil Service which provided for the Civil Service Commission being the final authority in this regard. As far as the Provincial Police are concerned the bargaining unit is defined by Regulation, while in the case of the Liquor License Board and the Liquor Control Board the unit has been determined by agreement between the parties.

#### Sizes of Bargaining Units

The approximate number of employees who bargain collectively in the Ontario Government Service as of January 1st, 1969 are as follows:

Public Service—Civil Servants (Classified) .....	43,733
Ontario Provincial Police .....	3,395
Liquor Control Board and Liquor License Board .....	2,626
Ontario Hospital Services Commission .....	250
Ontario Water Resources Commission	
Head Office .....	455
Plants .....	208
Niagara Parks Commission	
Administrative .....	180
Police .....	15
Ontario Housing Corporation	
Maintenance Staff .....	260
Total .....	51,122



## **Present Recognition and Employee Support of Bargaining Agents**

Membership dues have been deducted for many years on a voluntary revocable basis. In the civil service the number on voluntary check-off is approximately 27,640. Of this number 3,250 are incumbents of classifications which have now been excluded from the bargaining unit as a result of my study and as approved following my Interim Report in October, 1968. Even with this reduction there are still approximately fifty-six percent on voluntary dues deduction within the approved bargaining unit. Furthermore, this percentage does not include those who pay their dues directly to the Association.

In the Liquor Control Board and Liquor License Board dues are now being deducted on a voluntary basis and remitted to the Employees Association which is the recognized bargaining agent, as well as to the Civil Service Association which continues to have some members in this unit.

In the case of the bargaining units of all Commissions and Crown Agencies, a substantial majority of the eligible employees are on voluntary check-off. The only exceptions are the Ontario Hospital Services Commission and the Head Office group of the Ontario Water Resources Commission, and these only represent in the aggregate approximately 700 employees.

This relatively high degree of voluntary membership has been attained despite the Province-wide location of the personnel, the consequent difficulties of organization, and the effect of growth and turnover in the public service.

In the case of the remaining bargaining unit, that of the Ontario Housing Corporation, provision is made for compulsory membership in the Union and compulsory deduction of monthly dues, under the Agreement between the Corporation and Local 767 Canadian Union of Public Employees.

### CHAPTER III

## COLLECTIVE BARGAINING IN THE PUBLIC SERVICE IN OTHER JURISDICTIONS

Considerable research material was presented relative to the nature of employer-employee relations in respect of other jurisdictions in Canada and the United States. Information was furnished to me relative to the following jurisdictions:

- (1) The Public Service of Canada
- (2) The Public Service of the Province of Quebec
- (3) The Saskatchewan Public Service
- (4) The Federal Civil Service of the United States of America
- (5) The Public Service of the Commonwealth of Massachusetts
- (6) The Civil Service of the State of Michigan
- (7) The Civil Service of the State of Minnesota
- (8) The Public Service of New York State
- (9) The Civil Service of the State of Wisconsin

Under the Public Service Staff Relations Act of Canada passed in 1967 federal civil servants were accorded formal collective bargaining rights. These included the option of either striking or submitting disputes to final and binding arbitration. I have been authoritatively informed that Unions representing only 20% of the federal civil servants have contracted for the strike option.

The legislation of the Provinces of Quebec and Saskatchewan likewise provide collective bargaining for civil servants in those jurisdictions without specifically restricting the resort to strike action upon failure of the parties to reach agreement by negotiation.

As to the Federal Civil Service of the United States, collective bargaining concerning a restricted group of matters, but excluding any matter involving direct cost (e.g. wages), is permitted pursuant to the provisions of Presidential Order.

The five States referred to above, as well as the United States Federal Government, while providing for a form of collective bargaining or consultation by employee representatives with government, do not grant the right to strike under any circumstances.

It will be observed that there is little, if any, similarity between the system of collective bargaining in Ontario and that in these other jurisdictions, each of which has evolved on the basis of the historical conditions prevailing within their respective jurisdictions.



## CHAPTER IV

### THE DETERMINATION OF ELIGIBILITY FOR INCLUSION IN BARGAINING UNITS

The determination of what classifications and positions should be excluded from the bargaining units was complicated by the manner in which this had been done prior to this study. As noted previously they had either been determined by the Civil Service Commission or negotiated by the parties themselves. There was, however, no uniform application of standards for determining employee status in relation to eligibility for inclusion in a bargaining unit. This was accentuated by the fact that, in making the determination, the negotiations were carried on at the departmental level. This resulted in lack of uniformity across the public service in the classes and positions which would be excluded. It was obvious therefore that if a proper basis for collective bargaining was to be established, criteria for exclusions must be adopted and applied along job classification lines which would cut across departmental lines. In view of the fact, however, that in certain cases a classification included both supervisory and non-supervisory employees, and as I was informed that the "Fifty Percent Rule" established by Ontario Regulation 239/55 (Appendix III) had not proved practical in all cases, I decided that the questions of exclusions would be considered initially on a position basis and thereafter I would assess the effect of such analysis upon the classifications involved, as a whole.

I also concluded that a different approach was necessary in dealing with those classifications and positions occupied by professional employees, so I limited my initial study to the non-professional group.

As one of the main objects of my study and review was to provide the basis for a more formal and meaningful collective bargaining relationship between the parties generally similar to that existing in the private sector, I immediately considered the applicability to the public service of criteria used to determine exclusions in the private sector. It was soon apparent, and the parties agreed, that in most instances the level of exclusions in the public service should be higher than in the private sector. This was emphasized by the fact that in the public service managerial authority is not always delegated to junior levels to the same extent as in private industry. In addition, I was faced with the situation that even where the formal Job Description indicated authority had been delegated to a classification, evidence disclosed that it was not in practice being fully exercised by the incumbents in some jobs. Furthermore, when I studied the evidence taken as to what functions were actually being performed by those occupying certain jobs, they did not always correspond with what was required of the incumbent by the Job Description. Almost invariably where this occurred it was supervisory duties and responsibilities which were not being carried out.

The Association in its submission emphasized the necessity of studying the matter of exclusions on a position rather than classification basis and suggested that the important factors were an individual's "degree of involvement in, and the extent of the confidential nature of, the matters dealt with". It suggested that criteria to exclude a person should be:

1. A person appointed by the Lieutenant Governor in Council under an Act of the Ontario Legislature in a statutory position described in that Act;
2. A person locally engaged outside the Province of Ontario;
3. A person who has executive duties and responsibilities in relation to development and administration of Government programmes;
4. A person whose duties include those of a personnel administrator or who has duties that cause him to be directly involved in the process of collective bargaining on behalf of the employers;
5. A person who is employed in a position confidential to a Minister of the Crown; and
6. A person who is employed in a position confidential to any person in Sections 1, 2, 3 and 4.

In its submission, the Government questioned the validity of one of the submissions of the Association that "the generally accepted guide lines of the industrial employment areas are not applicable in the Ontario Government Service". It pointed out the similarity in many respects of the framework and procedures governing collective bargaining in the public sector and the private sector (e.g. the grievance procedure, the various levels of management involved therein, and the arbitration of grievances). The terms of reference of this study implied that the similarity between the two would be greater in the more formal contractual relationship which was envisaged.

The Government suggested that the exclusions should fall into four main categories:

1. Management employees who are expected to spend a significant portion of their time supervising other employees;
2. Non-supervisory members of management who are involved in the formulation of organization objectives and policy at the departmental or service-wide level including persons involved in the formulation of budgets;
3. Persons employed in a confidential capacity in matters relating to staff relations; and
4. Part-time and short-term employees, including certain portions of the unclassified service, as well as students.

It also referred in respect of the first category, above, to some of the criteria applied to the issue of management exclusions by the Ontario Labour Relations Board and other Labour Relations Boards in Canada. It was suggested that they were just as applicable to the public service as in the private sector.



They included the following:

1. Whether the employee has the right effectively to recommend:
  - (a) hiring or firing;
  - (b) that a subordinate be given time off;
  - (c) disciplinary action;
  - (d) a change in the status of a person's employment in terms of wage rate, scheduling of work, assignment to other duties or transfer to other positions;
2. Whether the employee directs or trains another employee in the performance of his duties;
3. Whether an employee is expected to evaluate the work of another employee and to report on this evaluation;
4. Whether the employee is accountable for the work done not only by himself but by others;
5. Whether the employee is involved in assessing and replying to employee grievances; and
6. Whether the employee spends a substantial proportion of his time in the training of other employees.

I agreed in general with the Government approach particularly because the conclusion of a more formal and effective bargaining relationship will inevitably lead to a more marked division between those charged with exercising managerial functions and those who do not. Furthermore, it will be in the interests of both parties if those having authority to manage and supervise, actually exercise their functions. It will be the duty of senior management to see that this occurs. I appreciate that changes will not take place overnight, but it is an essential element of an effective collective bargaining relationship and must be implemented. It is therefore my view that new classifications or positions are created or the functions required of the incumbents of present classifications or positions are more rigidly enforced, the criteria used in the private sector be more rigidly applied.

I reviewed over 2,000 classifications and the positions within them, the incumbents of which are located throughout the entire Province. My approach in determining the exclusions was the following. I first obtained agreement readily on a large number of classifications and positions which were quite clearly either in or out of the bargaining unit, irrespective of which of the parties' criteria were used. I then studied the actual work being done by the incumbents of positions which the parties agreed could be used as "bench marks" or guides in determining whether the remaining classifications and positions should be in or out of the unit. Initially, it was decided to take evidence in jobs in the Department of Highways in the Ottawa District and at the Ontario Hospital at Hamilton. Later, this was supplemented by a study of jobs in the Department of Highways in Metropolitan Toronto. The actual list of jobs studied are as follows:

Medical Officer Supervisor  
Supervisor of Social Work

Supervisor of the Occupational Therapy Unit  
Supervisor of Cleaning  
Driver Supervisor  
Electrical Foreman in the Trades Building  
Senior Telephone Operator  
Food Service Supervisor  
Assistant Laundry Supervisor  
Senior Rehabilitation Officer  
Area Supervisor  
Ward Supervisor  
Patrol Supervisor  
Arboriculturist  
Accounts Section Head  
Material Stockkeeper  
Patrolman  
Construction Supervisor  
Shop Foreman  
Zone Painting Supervisor  
Bridge Foreman  
Highway Patrolman.

### **Status of Professional Employees**

Perhaps the most difficult area in determining exclusions was with respect to professional personnel. In their case it was necessary to apply not only the criteria adopted for other classifications and positions, but additional criteria as well.

The Labour Relations Act now provides for the exclusion of members of the architectural, dental, engineering, legal and medical professions entitled to practice in Ontario and employed in a professional capacity. It therefore appeared logical that these same professional classes should be excluded from membership in the bargaining units within the civil service. To determine what additional professional classes, if any, should likewise be excluded consideration was given to the following, as well as other adopted criteria:

1. A university degree awarded after a four-year course in a specialized field;
2. The government of those in the profession was a recognized governing professional society formed under the provisions of a provincial statute;
3. The professions provide a specialized and skilled service to a client which cannot lawfully be obtained from other groups usually on a fee for service basis rather than as salaried employees; and
4. A clear community of interests exists amongst the persons concerned.

On the basis of the above criteria and considerations, I recommended in an Interim Report requested by the parties and dated the twentieth day of



October, 1968, that the classifications and positions set forth in Appendix IV be excluded from bargaining. I hereby confirm my said RECOMMENDATION.

### **Unclassified and Seasonal Employees**

Under The Public Service Act employees are designated as being part of the "Classified Service" or the "Unclassified Service". The former is defined under Section 1(b) of the Act to mean "the part of the public service to which civil servants are appointed", while the latter covers those "positions to which persons are appointed by a minister" pursuant to the provisions of the Act.

The employees in the unclassified service consist chiefly of those engaged in seasonal work, those working on construction and maintenance projects for the Department of Public Works, and other personnel retained in a professional or other special capacity.

The initial position of the Government was that such employees should be excluded from the bargaining process. Those to be so excluded were defined to include employees regularly working less than twenty-four hours per week and short-term employees, either consisting of persons in Groups 1 and 2 of the Unclassified Service (as defined in Section 4a of Ontario Regulation 190/62) or in the alternative, members of the Unclassified Staff with less than nine months service.

On the other hand, the Association was greatly concerned that such a large group of employees, said to number as high as five or six thousand, should be excluded from bargaining. The Association felt that this contention applied particularly to maintenance employees in the Department of Public Works, where there had been a practice of engaging tradesmen on the basis of prevailing community rates and so retaining them for an indefinite period. The result has been that these employees were not represented in collective bargaining with the Government.

After considering all of the circumstances I RECOMMEND as follows:

1. That persons employed for twenty-four hours per week or less be excluded from collective bargaining;
2. That persons employed in individual contracts in which the terms of employment are set out and who are employed
  - (i) on a project of a non-recurring kind;
  - (ii) on a retainer;
  - (iii) in a professional or other special capacity; or
  - (iv) on a temporary work assignment arranged by the Civil Service Commission in accordance with its programme for providing temporary help;be excluded from bargaining;
3. That the practice of engaging by contract tradesmen on maintenance projects be discontinued with the objective of including such

maintenance personnel in the bargaining unit for which the parties will be negotiating a new collective agreement commencing with the year 1971;  
and

4. That employees engaged on a seasonal basis for less than six months be excluded from bargaining. However, if such persons are re-employed within three months after a break in service their service prior to such break shall be included in calculating the said six month period.

To effect the above RECOMMENDATIONS I FURTHER RECOMMEND that Section 4(a) of Ontario Regulation 190/62, as made by Section 1 of Ontario Regulation 247/65, be revoked and substituted by a new Regulation embodying the aforesaid Recommendations.

### **Methods of Determining Future Exclusions**

I was unable to determine whether a limited number of classifications should be excluded or included for bargaining because the positions had either not been filled or the incumbents had occupied them for such a short period that the functions and responsibilities attached to them were not yet conclusively defined. In addition, it was clear that new classifications and positions would emerge from time to time and the functions required of incumbents in present classifications and positions would change.

I THEREFORE RECOMMEND that a procedure be established whereby these matters may be resolved by arbitration where necessary and for purposes of consistency by using the same criteria which I have applied to those classifications and positions which have been excluded, consistent with the established framework of comparable jobs. I further RECOMMEND that this be achieved by the appointment, as circumstances warrant, of an ad hoc arbitrator qualified to deal with such matters.

## CHAPTER V

### CROWN AGENCY BARGAINING UNITS

#### **Ontario Provincial Police**

In 1954 the Ontario Provincial Police Association was formed and under the terms of Ontario Regulations 213/65 (as amended by Regulations 80/66 and 171/66) was composed of Cadets, Probationary Constables, Constables, Corporals, Sergeants, Detective Sergeants, Traffic Sergeants and Staff Sergeants. It thus included all members of the Provincial Police below the rank of Sergeant Major, being approximately 3,400 in number. The Association bargained on behalf of this bargaining unit on matters of salary and working conditions.

It was apparent at the time of the first Hearing that the only substantial issue upon which the parties were not agreed concerned the level of exclusions from the bargaining unit. I discussed with them the criteria which had been applied throughout the public service to ascertain if the same principles could be applied realistically to their unit, recognizing that different considerations might prevail with respect to the police force.

With this in mind the Association and representatives of the Commission gave the matter further study and consideration which eventually resulted in agreement being reached as to which classification should be included in the unit. These consisted of all classifications below the rank of Sergeant Major.

I therefore informed the parties that I would recommend, and I do so hereby RECOMMEND that the bargaining unit be as agreed upon. I am pleased to report that this unit is the basis of the initial formal agreement between the parties which was entered into in February of this year.

#### **Liquor Control Board and Liquor License Board**

There are 2,626 employees in this bargaining unit. The only major matter of disagreement between the parties was the status of the store Managers. It was explained that these Managers were divided into four categories described in the following way:

- A. Stores which have sales in excess of \$2,000,000 and employ an average of seventeen including the Manager;
- B. Stores which have sales over \$1,000,000 to \$2,000,000 and employ an average of ten including the Manager;
- C. Stores which have sales over \$350,000 to \$1,000,000 and employ an average of five including the Manager;
- D. Stores which have sales under \$350,000 and have two employees including the Manager.

While it would appear from their title that Managers would be called upon to exercise the same degree of authority which I previously used as a



basis for excluding employees in the public service, the submissions indicated that the normal criteria did not apply to the same extent here. The chief difficulties arose because of the extensive supervision given to all stores, particularly the smaller ones, by Area Supervisors.

After considering in detail the extent of this supervision, but at the same time recognizing the responsibility imposed upon the Managers of the larger stores in terms of administration of staff and security of the operation, as well as their ultimate involvement in grievance procedure, it is my view and I RECOMMEND that the Managers of the stores identified in A. and B. above, be excluded from this bargaining unit.

### **Ontario Hospital Services Commission**

This Commission has 430 employees of which approximately 250 are members of the bargaining unit. On April 18th, 1967 the Commission and the Civil Service Association of Ontario entered into a Memorandum of Understanding which is still in force and is identified as Agreement No. 1. The Agreement deals with such matters as salaries, group insurance, vacation credits, holiday provisions, sick leave credits and attendance credit gratuities. The only significant omission from the Memorandum is provision for a grievance procedure. However, the parties were agreed that they should adopt a procedure similar to that applicable in the public service.

Again the area of major disagreement was with regard to the exclusions from the bargaining unit. I was advised that prior to the Hearing the parties had agreed that the classifications set forth in Appendix V hereto should be excluded.

Arguments with respect to additional exclusions were submitted and I indicated that the classifications listed in Appendix VI should be excluded from the bargaining unit. Pursuant to this, the parties subsequently reported that agreement had been reached between them incorporating the exclusions listed in Appendices V and VI, together with the exclusion of additional classifications previously in issue. I RECOMMEND that the composite list of these exclusions as attached hereto as Appendix VII be excluded from the bargaining unit.

### **Ontario Water Resources Commission**

The Ontario Water Resources Commission came into existence in 1956 with wide authority in the field of water resources management and pollution control. The total number in the two bargaining units is 663. The Commission and bargaining unit representatives were in fairly general agreement on all matters except exclusions. They had, moreover, prior to the Hearing agreed on a list of classifications which should be excluded. These are attached hereto as Appendix VIII.

Submissions and argument were received with respect to additional exclusions claimed by the Commission.

I RECOMMEND exclusions of the classifications listed in Appendix VIII and also those listed in Appendix IX.

## **The Niagara Parks Commission**

The Niagara Parks Commission is responsible for the operation of restaurants and stores, and the maintenance of parks and boulevards along a thirty-five mile area between Lake Ontario and Lake Erie. In addition, it administers the Charles Daley Park in St. Catharines and the Stoney Creek Battlefield Park. It is primarily a seasonal operation and although the number of employees engaged on a year-round basis is only 245, this increases to over 1,000 during the peak summer season.

Once again, the only matter requiring my consideration was that of exclusions from the main bargaining unit. The question of exclusions from the Police unit was not in issue. I was informed they had been agreed upon and I RECOMMEND that the exclusions be as listed in Appendix X.

With respect to the main bargaining unit, I was informed that the classifications and positions listed in Appendix XI are presently excluded from it. As there was no objection to these exclusions I RECOMMEND that they be continued

The Commission, however, contended that additional classifications and positions presently considered as part of this bargaining unit should be excluded on the grounds that they were managerial or supervisory in character. I have considered the submissions made by the parties in this regard and I RECOMMEND that the classifications and positions listed in Appendix XII hereto be excluded from such bargaining unit.

## **The Ontario Housing Corporation**

The Ontario Housing Corporation is a Crown Agency constituted under The Ontario Housing Corporation Act, 1964, Statutes of Ontario 1963-64 Ch. 76. It came into being by proclamation of the Lieutenant Governor in Council on August 11th, 1964.

The Corporation administers public housing in Metropolitan Toronto together with all public housing developed on a Joint Federal-Provincial basis in Metropolitan Toronto prior to the creation of the Corporation. Certain other housing developments outside the Metropolitan Toronto area are directly administered by the corporation through part-time managers but do not involve the use of unionized employees.

Prior to the creation of the Corporation, Federal-Provincial public housing in Metropolitan Toronto was administered by the Metropolitan



Toronto Housing Authority. It was incorporated by Order-in-Council No. 3116/55 dated December 15th, 1955 pursuant to Section 6 of the Housing Development Act. It empowered the Metropolitan Toronto Housing Authority to employ such officers, employees and agents as the members deemed necessary on such terms and conditions as they determined.

Local 767 of the Canadian Union of Public Employees was certified by the Ontario Labour Relations Board in April, 1959, as the sole and exclusive bargaining agent for all employees of the Metropolitan Toronto Housing Authority with the exception of non-working foremen, persons above the rank of non-working foreman and office staff. Later that year the Authority and the Union entered into their first Collective Agreement.

Following the creation of the Corporation it was decided that the Authority should be dissolved and its employees absorbed into the Corporation. The Union expressed concern that its collective bargaining rights would be prejudiced. However, by letter dated September 22nd, 1964 (attached hereto as Appendix XIII) the Minister of Economics and Development advised the Union that its members would continue to enjoy the conditions of employment negotiated by the collective agreement with the Metropolitan Toronto Housing Authority, which as of November 1st, 1964, would be superseded by the Ontario Housing Corporation. He further advised that subsequent negotiations would be with the said Corporation which it should be noted, became their employer.

On December 1st, 1968 the Corporation acquired from the City of Toronto, the Toronto Housing Authority and The City of Toronto Limited Dividend Housing Company Limited, the employees of which were absorbed into the bargaining unit.

The bargaining unit is defined in Article 1.01 of the Collective Agreement as follows:

“The Corporation recognizes the Union as the sole and exclusive bargaining agent for all the employees of the Corporation of Metropolitan Toronto, save and except foremen, office staff, persons hired under the Public Service Act, and employees in the Temporary service class of employees of the Corporation who are not members of the Union by reason of their membership in another union.”

The only matter which I had to consider here was that of exclusions from the bargaining unit. The unit consists of 260 employees divided among fifteen classifications as follows:

Labourers .....	51
Watchman .....	1
Caretakers .....	70
Truck/Tractor Drivers .....	5



Handymen (General) . . . . .	45
Senior Groundsmen . . . . .	6
Handymen (Heating) . . . . .	11
Handymen (Appliances) . . . . .	6
Senior Handymen (General) . . . . .	9
Senior Handymen (Heating) . . . . .	3
Shift Engineer (Third Class) . . . . .	5
Shift Engineer (Fourth Class) . . . . .	4
Fourth Class Stationary Engineer (Helper) . . . . .	2
Chief Operating Engineer . . . . .	1
Resident Caretaker . . . . .	41

I have concluded from the evidence submitted to me that the only additional classification which should be excluded from the bargaining unit is that of Chief Operating Engineer. The basis for this determination is an analysis of the job content of this position.

I have considered the evidence submitted by the Corporation and the incumbent of the position. Both parties are agreed on most elements of the job, and, in particular, that the incumbent is an hourly-rated employee doing day-work only; who has authority to recommend effectively to his supervisor action with respect to assigning shifts, assigning overtime, arranging vacations, granting time off, approving retention of a probationary employee, releasing a probationary employee, the imposition of discipline, and temporarily relieving employees from their duties pursuant to the provisions of the Operating Engineers Act. Finally, he interviews applicants for jobs in conjunction with the Personnel Office, the officials of which make the actual decision, and reports on performance of employees (if required).

It is also significant that the incumbent's place of work is located a considerable distance from the location of the Regional Manager, who is his immediate supervisor, with the result that the incumbent is the only representative of management at his work location with respect to the group he supervises.

The only essential difference between the evidence of the parties relates to the number of employees supervised and the time occupied in direct supervision. The incumbent stated that this was forty to fifty percent, while the Corporation stated it to be closer to one hundred percent; and that whereas the incumbent said the number of employees was four, the Corporation said it was five. Irrespective of these differences, the degree to which he is involved in the supervision of other employees is so substantial as to warrant his exclusion from the unit.

I therefore RECOMMEND that the position of Chief Operating Engineer be excluded from the unit and that all of the other positions listed above constitute the unit.

## **Community Colleges**

### **Establishment of Colleges of Applied Arts and Technology**

By virtue of The Department of Education Amendment Act, 1965, the Minister of Education has power, subject to the approval of the Lieutenant Governor in Council, to establish, maintain, conduct and govern Colleges of Applied Arts and Technology for the education and training of craftsmen, technicians and technologists. Twenty such Collges were established by the Minister under this Act. The names of these Colleges are as follows:

Algonquin College of Applied Arts and Technology, Ottawa;  
George Brown College of Applied Arts and Technology, Toronto;  
Cambrian College of Applied Arts and Technology, Sudbury;  
Centennial College of Applied Arts and Technology, Scarborough;  
Conestoga College of Applied Arts and Technology, Waterloo;  
Confederation College of Applied Arts and Technology, Fort William;  
Durham College of Applied Arts and Technology, Oshawa;  
Fanshawe College of Applied Arts and Technology, London;  
Georgian College of Applied Arts and Technology, Barrie;  
Humber College of Applied Arts and Technology, Toronto;  
Lambton College of Applied Arts and Technology, Sarnia;  
Loyalist College of Applied Arts and Technology, Belleville;  
Mohawk College of Applied Arts and Technology, Hamilton;  
Northern College of Applied Arts and Technology, Timmins;  
Seneca College of Applied Arts and Technology, Willowdale;  
Sheridan College of Applied Arts and Technology, Cooksville;  
St. Clair College of Applied Arts and Technology, Windsor;  
St. Lawrence College of Applied Arts and Technology, Kingston;  
Sir Sandford Fleming College of Applied Arts and Technology,  
Peterborough.

To assist the Minister in the establishment and operation of the Colleges, the Act provides for the formation of the Ontario Council of Regents for Colleges of Applied Arts and Technology which has been created.

Each College has a Board of Governors which is a body corporate having the powers and duties provided for in the Regulations of the Department of Education Act and in addition those powers conferred by The Corporations Act of Ontario.

### **Legislation Pertaining to Labour Relations**

The Board of Governors of each College is empowered to appoint administrative, teaching and non-teaching personnel, at salaries and wage rates and according to terms and conditions established by the Ontario Council of



Regents and approved by the Minister of Education (Ontario Regulation 268/65, Section 6, Subsection 1). In order to carry out this function, a Committee was formed by the Ontario Council of Regents known as the Staff Relations Committee. A negotiating Committee was established by the Staff Relations Committee for the purpose of negotiating the salaries, wage rates and working conditions on behalf of the Colleges.

### **Status of Employees**

In 1967, the Civil Service Association of Ontario applied to the Ontario Labour Relations Board for certification as bargaining agent for certain of the employees of Fanshawe College, one of the Colleges of Applied Arts and Technology. The Ontario Labour Relations Board held that both at common law and under The Crown Agency Act, Fanshawe College was an agent of the Crown and that the Board had no jurisdiction to deal with the application. Subsequent applications were made to the Board for certain of the employees of George Brown College of Applied Arts and Technology, Cambrian College of Applied Arts and Technology and Centennial College of Applied Arts and Technology. These applications were likewise dismissed for the same reasons as were given by the Board in the Fanshawe Case (O.L.R.B. Files 14233-67-R, 13639-67-R and 14451-68-R, respectively).

### **Representation of Employees of Colleges of Applied Arts and Technology subsequent to Fanshawe Case.**

#### **Non-Teaching Staff**

Following the Fanshawe decision, representatives of the Civil Service Association of Ontario approached the Ontario Council of Regents claiming bargaining rights under The Public Service Act for employees of the Colleges of Applied Arts and Technology. The Association contended that these employees fell within the definition of "Crown Employees" under the Act thereby entitling the Association to bargaining rights. The negotiating committee formed by the Staff Relations Committee of the Ontario Council of Regents recognized the Civil Service Association of Ontario as bargaining agent for non-teaching staff employees of the Colleges. This was in conformity with the requirements of The Public Service Act but was done without consultation with, or the consent of, all Colleges.

#### **Teaching and Academic Support Staff**

The Association also claimed bargaining rights for teaching staff and the academic support staff of the Ontario Colleges of Applied Arts and Technology under The Public Service Act. Again, the Association was recognized as bargaining agent by the negotiating committee by virtue of The Public Service Act without consultation or the consent of all Colleges.

In assessing the situation at the Colleges, I had to bear in mind the decision in the Fanshawe College case which upheld the contention of the Association that the employees concerned were Crown employees. The

Association has consistently taken the position since that time that it was entitled to represent all employees of all the Colleges (except any who were properly excluded), by virtue of the provisions of The Public Service Act.

The Association has also contended that all such employees should be members of one province-wide bargaining unit, although academic and non-academic staff would form separate units for bargaining purposes.

The Council of Regents, however, has submitted that, for reasons which will hereafter be apparent, there should be separate bargaining units for academic and non-academic staffs.

### **Non-Academic Staff**

First of all, it should be observed that the Association's claims to representation have an historical basis. Formerly, the following training schools which were in operation for many years throughout the Province formed the initial components of the Community Colleges in their respective communities as follows:

Provincial Institute of Trades, Toronto	George Brown College of Applied Arts and Technology
Provincial Institute of Trades & Occupations, Toronto	George Brown College of Applied Arts and Technology
Provincial Institute of Automotive and Allied Trades, Toronto	Centennial College of Applied Arts and Technology
Ontario Vocational Institute, Ottawa	Algonquin College of Applied Arts and Technology
Ontario Vocational Institute, London	Fanshawe College of Applied Arts and Technology
Ontario Institute Sault Ste. Marie	Cambrian College of Applied Arts and Technology
Institute of Technology Windsor	St. Clair College of Applied Arts and Technology
Institute of Technology Ottawa	Algonquin College of Applied Arts and Technology
Institute of Technology Kirkland Lake	Northern College of Applied Arts and Technology



Provincial Institute of  
Mining, Haileybury

Northern College of Applied  
Arts and Technology

Institute of Technology  
Hamilton

Mohawk College of Applied  
Arts and Technology

The non-academic staffs of these training schools now constitute a majority of the non-academic staff (i.e. service staff) of the Community Colleges. During the time these Institutes were operating as such, the Association was acknowledged as the only bargaining agent for the employees. It was with this background that the Association made its application for representation in the Fanshawe College case with the results referred to above.

Despite the substantial increase in the number of Colleges and staff, the Association has a still-growing membership in excess of fifty percent among the non-academic staff, with no known opposing organization.

Negotiations have been carried on for a considerable period between five representatives and members of the Staff Relations Committee of the Council of Regents and the Association on behalf of the non-academic staff. These individuals represent each of the five geographical regions of the Province. All were appointed from the administrative staffs of the Colleges and reported directly to the Staff Relations Committee. As a result of these negotiations, the terms of a proposed formal Collective Agreement were agreed upon between the parties on April 9th and to be included in this Agreement were the list of exclusions from the bargaining unit as listed in Appendix XIV to this Report.

I am satisfied, based on all the evidence before me, that the Association not only effectively represents the non-academic staff, but is entitled to do so. I therefore RECOMMEND as follows:

1. That the exclusions from bargaining be as listed in Appendix XIV;
2. That the remainder of the non-academic staff comprise one province-wide bargaining unit;
3. That they continue to be represented by the Association as bargaining agent; and
4. That the principles and procedures relative to Scope of Bargaining, Form of Collective Agreement, Recognition and Employee Support, Methods and Procedures of Negotiation be as heretofore recommended for employees in the public service.

#### **Academic Staff**

I now consider the academic staff. Here the situation is much different. It appears that the Association does not have a significant number of members as a basis for representation. In addition, the right of the Association to represent academic staff has been challenged by an unincorporated group



known as the Ontario Federation of Community College Faculty Associations. It has a constitution dated May 18th, 1968.

An action was commenced in the Supreme Court of Ontario by Harold Morgan and Leonard Bostrom, on their own behalf and on behalf of each and every member of federated associations affiliated with the Ontario Federation of Community College Faculty Associations, as Plaintiff, and The Civil Service Association of Ontario (inc) as Defendants.

Subsequent to the issuance of the Writ of Summons, the Plaintiff moved the Court seeking an interlocutory injunction

“to restrain the defendant, until the trial or other final disposition of this action, from:

(a) advertising, publishing or otherwise using in any way whatsoever the name Ontario Community College Faculty Association or any other name similar or identical to the name Ontario Federation of Community College Faculty Associations in any manner calculated to deceive any person as to the identity of the defendant or its authority to represent the plaintiffs and

(b) purporting to represent the plaintiffs or any of them in their negotiations or dealings with the Ontario Council of Regents for Colleges of Applied Arts and Technology or Boards of Governors of various colleges established under S.3.14a of the Department of Education Act, R.S.O. 1960, c. 94 as amended by Statutes of Ontario, 1965, c. 28, s. 1 with respect to terms and conditions of their employment, whether with respect to individual contracts or general terms and conditions;

(c) in any way warranting or representing that it is authorized to act on behalf of the Plaintiffs.”

The matter was heard by Lacourciere J., and on January 30th, 1969 a decision was rendered granting the relief sought. In reaching this conclusion the learned Judge stated: “As I believe that the rights of the parties ought to be preserved in the status quo pending trial, an order will go in terms of the notice of motion.”

A copy of the complete Reasons for Judgment is attached as Appendix XV to this report

It would be improper for me to comment in any way on the said Judgement and I accordingly refrain from doing so.

Under these circumstances, I can make no recommendation as to what agent, if any, represents the academic staff for bargaining purposes. It may be that, after judgment has been rendered following the trial of the issues

involved in the aforesaid proceedings, the matter of representation rights will have to be determined. If so, I RECOMMEND, that such determination be made by an independent adjudicator as contemplated by my RECOMMENDATION as set out in Chapter VII of this Report.

## CHAPTER VI

### DETERMINATION OF APPROPRIATE BARGAINING UNITS

In the absence of other relevant criteria, in determining the composition of appropriate bargaining units within the public service of the Province of Ontario I have drawn upon the practice of the Ontario Labour Relations Board and other similar tribunals in their establishment of such units in the private sector.

Decisions of such Boards indicate that they place considerable weight upon such factors as the history of collective bargaining within the employer-employee relationship concerned, community of interest by virtue of terms of employment, uniformity of working conditions and benefits, and the viability of the unit being contemplated. In applying these criteria to the public service, there has been a long-standing practice of the government of treating all employees alike with respect to the general terms and conditions of employment and as to fringe benefits such as superannuation, paid vacations, paid holidays, paid sick leave, etc. Additionally, the history of the formal bargaining and the informal consultation and discussions which took place prior thereto rather conclusively support the maintenance of the same units as have prevailed in the past.

Furthermore, in my view, the public interest is best served if the public service is not fragmented by the introduction of new units which would give rise to multiple bargaining, where the need is not apparent.

Support for this principle is found in the submission of the Canadian Union of Public Employees and its Locals 878 and 79 with reference to the issue concerning the Don Jail Guards and the Metropolitan Toronto Court Clerks. It stated that there is an inclination on the part of "The Labour Relations Boards of most jurisdictions to large, all-inclusive units, rather than to a proliferation of small, highly specialized ones" and goes on to propose that "direction or encouragement should be given to The Labour Relations Board or any special board to recognize broad rather than narrow units". When this Brief was presented this principle was specifically endorsed by the Civil Service Association of Ontario.

Reference should also be made to the opposition generally expressed throughout Canada with respect to the proposed amendments to The Industrial Relations and Disputes Investigation Act incorporated in Bill C-186 as introduced in the House of Commons on December 4th, 1967. This Bill proposed enlargement of the powers of the Canada Labour Relations Board relating to the determination of appropriate bargaining units by providing for the creation of bargaining units "in more than one self-contained establishment or more than one local, regional or other distinct geographical area within Canada" (Section 1). It was the broad consensus that such an



enactment would result in the fragmentation of area-wide bargaining; a profusion of collective agreements with different terminating dates; and different standards of compensation and benefits for employees performing exactly the same work in the same classifications for the same employer. This would adversely affect the relationship, not only of the employees among themselves, but also in relation to their common employer. Furthermore, the incidence of dissatisfaction and crises occurring in collective bargaining would likewise be greatly augmented. I feel that these considerations are particularly pertinent to employees of the Government who have a common obligation to provide continuity of service to the public at large.

In the light of all the foregoing, it is my RECOMMENDATION that the existing Province-wide bargaining units be maintained in their present forms (subject to the exclusions as hereinbefore recommended) in respect of the following:

- Public Service — Civil Servants (Classified)
- Ontario Provincial Police
- Liquor Control Board and Liquor License Board
- Ontario Hospital Services Commission
- Ontario Water Resources Commission

Likewise, I RECOMMEND that the two bargaining units of the Niagara Parks Commission, namely (1) members of the Police Department and (2) all other employees, be continued, as well as the bargaining unit covering the maintenance staff (Toronto) of the Ontario Housing Corporation.

## CHAPTER VII

### THE DETERMINATION OF BARGAINING AGENTS

#### Recognition

Consistent with the practice in the private sector I recognize that employees should participate in the determination of their bargaining representatives within the appropriate units as established above. As to the present collective bargaining agents I am completely satisfied that, with the two minor exceptions already noted, they represent a substantial majority of the employees involved. There would be, therefore, no rational justification for interfering with the rights of the said bargaining agents.

#### Principles and Procedure Concerning Change of Bargaining Agent

One of the cardinal principles of collective bargaining is the right of employees to freedom of choice in the selection of their bargaining agent.

Unlike other jurisdictions which have more recently become involved in collective bargaining within the public service, the situation in Ontario is relatively stabilized due to the existence of established appropriate units. As a result, it is my opinion that it would be redundant to establish permanent machinery for the disposition of issues arising out of disputes over bargaining rights within the established bargaining units.

Accordingly, I RECOMMEND that provision be made for the application of the democratic principle of freedom of choice, by establishing a procedure under which employees will be able to exercise such freedom within the established bargaining units.

To effectuate this purpose, I further RECOMMEND that legislation be enacted to incorporate provisions parallel to those in effect in the private sector with respect to the exercise of this freedom of choice. In view of the circumstances prevailing throughout the public service it is my view that this power need not be delegated to a full-time tribunal, but that it may be properly exercised through the appointment, as occasion requires, of an independent adjudicator applying the same principles and criteria as those applicable in the private sector as adapted herein. It is inherent in this recommendation that employees shall be afforded the right to choose a new bargaining agent where such a change is considered desirable and to discontinue any collective representation where the majority of the unit so wish.



## CHAPTER VIII

### EMPLOYEE SUPPORT OF BARGAINING AGENTS

Representations were made to me by the various bargaining agents seeking a higher degree of security through a system of compulsory check-off.

There has been in effect for some years a practice of voluntary revocable check-off of membership dues recognized in favour of all the bargaining agents. A significant majority of the employees have authorized deduction of their dues on this basis.

It has become relatively common practice in the private sector for bargaining agents who have demonstrated substantial voluntary financial support on the part of their membership over a considerable period of time to be granted a more secure form of dues' deduction. Likewise, it is also recognized that long-service employees who have bona fide individual objections to the payment of union dues should neither be obliged to join a union nor to pay the equivalent of dues thereto as a condition of maintaining their employment.

In determining the extent to which the union security provisions might be improved, I am influenced by recent contractual arrangements made by other employers in the public service.

After having given careful consideration to all the aspects of the matter and the various alternative forms of union security, whenever it is properly demonstrated, as has been done here in the case of the existing units, and despite the difficulties previously referred to, that the bargaining authority concerned has achieved membership on a voluntary basis of a significant majority of the eligible personnel in the established unit, I RECOMMEND that the following be adopted:

1. That there be an automatic deduction of the regular monthly dues from the salaries of those employees on whose behalf such dues are presently being deducted;
2. The equivalent of the regular monthly membership dues shall also be deducted from the salaries of all new employees;
3. Dues shall also be deducted upon the receipt of written authorization from any other employee as at present; and
4. The monies so deducted shall be remitted to the bargaining agent concerned monthly.

Recognizing that this recommendation affects the relationship between unions, bargaining agents and employees of the Crown, I feel that the revenue flowing from the provisions for deduction of dues should not be used for purposes other than those directly applicable to all members of the respective bargaining units.

## CHAPTER IX

### SCOPE OF BARGAINING

The scope of bargaining is presently defined under Section 19a (4) (c) of The Public Service Act as “any matter concerning the terms of employment of public servants including working conditions, remuneration, leaves and hours of work, that is not excluded by the Regulation.”

While these provisions broadly define the scope permissible for bargaining, there are matters which clearly should not be bargainable. These are departmental organization, complement, classification, job evaluation, the merit system and superannuation. I RECOMMEND that such matters be excluded from bargaining.

Without making a specific recommendation that they be subject to bargaining, I advocate that provision should be made for uniformity in mileage rates, allowable expenses for moving on transfer, commuting and week-end allowances and similar matters, which should be applied universally to all employees, whether members of a bargaining unit or not.



## CHAPTER X

### FORM OF COLLECTIVE AGREEMENTS

At the present time agreements reached through bargaining may be implemented by amendment to the Ontario Regulations, Orders-in-Council, Directives issued by the Treasury Board, the Civil Service Commission or the Departments concerned. As stated previously, cyclical bargaining has taken place on a regular basis with respect to rates of pay, fringe benefits and working conditions, but until 1969 none of the settlements has been reflected by the form of a collective agreement.

It is my RECOMMENDATION that bargaining take place not oftener than biennially with the objective of negotiating all matters at the same time with a view to incorporating them into a formal collective agreement. Provision should also be made in such agreement for a procedure for the settlement of grievances arising out of the interpretation, application or alleged violation of any of its terms including a procedure for final and binding arbitration.

Statutory amendments may be necessary to authorize ratification by Order-In-Council in order to give effect to the provisions of a collective agreement incorporating the terms of settlements reached on behalf of the Government. In addition, further statutory revisions may be required to delete from present Regulations those matters contractually provided for by the provisions of the collective agreements as they apply to personnel covered by such agreements.

## CHAPTER XI

### METHODS AND PROCEDURES OF NEGOTIATIONS WITHIN THE PRESENT BARGAINING SYSTEM IN WHICH COMPULSORY ARBITRATION IS THE FINAL MEANS OF RESOLVING DISPUTES

Having regard to the evolution of the bargaining process which has taken place in the public service of Ontario which, despite its scope and complexity, is working in a reasonably satisfactory way, I do not consider it advisable to recommend any major substantive changes in methods and procedures of negotiation. There are, however, a few refinements which might facilitate and expedite the bargaining process.

My initial RECOMMENDATION therefore is that there should be earlier notice given to commence negotiations in advance of the termination date of an agreement. I RECOMMEND a period of four months. I further RECOMMEND that at the time such notice is given the parties furnish each other with details of all their proposed amendments or additions to the collective agreement.

I also RECOMMEND that the Joint Council continue as presently constituted and, particularly, as a forum for the discussion of matters which are neither negotiable nor subject to arbitration, but which are of mutual concern to the government and its employees. This will serve as a useful medium for the development of better communications between Management and Staff.

I further RECOMMEND the continuance of the present arbitration procedures for the settlement of the terms of collective agreements where the parties fail to agree.

For the purpose of providing greater uniformity of working conditions and benefits applicable to employees of the Crown and Crown Agencies, I further RECOMMEND that there be a common Chairman of all the Tribunals responsible for the arbitration of all issues which the parties do not resolve during negotiations.

The same principles lead me to RECOMMEND that there also be a single Joint Council with a common Chairman and provision for representation thereon of both the management of the government and the various bargaining agents involved.



## CHAPTER XII

### ARBITRATION OF RIGHTS' DISPUTES

There already exists a procedure for the arbitration of employee grievances. There is also a separate tribunal, known as the Classification Rating Committee which is responsible for the resolution of classification grievances within the Civil Service.

I RECOMMEND that this Committee be continued inasmuch as it serves to preserve consistency in the administration of the evaluated salary structure as it applies to employees within and without the bargaining units.

I also RECOMMEND that the present grievance procedure be replaced by a procedure formally established under each collective agreement with provision for final and binding arbitration of grievances arising out of the interpretation, application or alleged violation of the terms of the respective agreements.

The present Grievance Board does not have jurisdiction over certain Crown Agencies. I RECOMMEND that its jurisdiction be extended to apply to all bargaining units. This will necessitate changing the composition of the panels to ensure that all bargaining agents will have representation on the Tribunal as the matters with which they are specifically concerned are adjudicated.

## CHAPTER XIII

### THE PROBLEM OF THE DON JAIL AND MAGISTRATES' COURTS IN METROPOLITAN TORONTO

#### The History of the Problem

In October 1967, the government announced that jurisdiction over the employment of jail guards, court clerks and other persons engaged in the administration of justice was to be transferred from the municipalities to the Province. The change was to become effective on January 1, 1968. At the time the announcement was made, the guards at the Don Jail and Clerks in the Magistrates' Courts, both in Metropolitan Toronto, had as their respective bargaining agents, Locals 878 and 79 of the Canadian Union of Public Employees.

As the end of the year 1967 approached the question arose as to whether the said employees could continue to be represented by the same bargaining agent or whether as public servants subject to the provisions of The Public Service Act, they would be represented in bargaining by the Civil Service Association of Ontario, the recognized bargaining agent of Crown employees as defined in the said Act. The Civil Service Commission took the latter position, while representatives of the Canadian Union of Public Employees maintained that their representation should continue. They also contended that commencing with the first pay period in January, 1968, Union dues should be deducted from the wages of the said employees and remitted to the Union. The issue was not resolved by discussion and a work stoppage occurred in Toronto early in 1968.

Negotiations to end the work stoppage then took place and on January 15, 1968, a Memorandum of Settlement was executed on behalf of the Province of Ontario and the Canadian Union of Public Employees and its said Locals 878 and 79 by those authorized. It was subsequently ratified by the respective principals of those signing. A copy of the said Memorandum is attached as Appendix XVI to this Report.

The paragraphs of the Memorandum which relate particularly to this Enquiry are the following:

- "1. That Judge Little's Enquiry be expanded to deal with the problem of the Don Jail and Magistrates' Court and that the Canadian Union of Public Employees be afforded the opportunity of making verbal and written representations to this Enquiry."
- "8. All employees involved in the work stoppage shall return to work forthwith. The employer shall not interfere in any way with the employees' rights to retain membership in their respective Unions. Upon ratification of this Memorandum, payroll deduction of monthly union dues for Metropolitan Jail and Magistrates' Court

employees will be made applicable on a voluntary revocable basis until and including December 31st, 1968."

Representations were made to me on May 1st and May 2nd, 1968 on behalf of Canadian Union of Public Employees and the said Locals and I was advised dues were being deducted in accordance with the Memorandum. Furthermore, when it was apparent that my Enquiry would not be concluded by the end of 1968, the government readily agreed that the said deduction should continue until my findings were received.

It should be observed that prior to 1961 the Guards were represented as part of the public service bargaining unit by the Civil Service Association of Ontario which voluntarily surrendered jurisdiction over them upon their transfer from the public service to the employment of the municipalities. As noted previously, the bargaining unit represented by the Association is composed of approximately 43,733 employees.

In addition there were throughout the Province on January 1st, 1968, 856 jail staff of which number 229 were employed in the Don Jail. This number has been increased to 941 as of March 1st, 1969, comprising 215 at the Don Jail and 726 in the remainder of the Province.

Of the aforementioned 941, 578 (41 at the Don Jail) or over 61% are having their dues deducted on a voluntary basis in favour of the Association, while 85 (all at the Don Jail) are similarly supporting the Canadian Union of Public Employees.

I should also observe that in all the institutions operated by the Department of Correctional Services (formerly the Department of Reform Institutions i.e. Reformatories, Training Schools, District Jails and former Municipal and County Jails) the total number of employees on March 1st, 1969, was 3,460 of which 2,276 or over 62% were on dues' deduction in favour of the Association.

As to the employees in the institutions and work locations taken over by the Attorney General's Department from the Counties and Municipalities, on January 1st, 1968 there were 1,230 employees, of which 284 were in Metropolitan Toronto. This number has decreased to 190 in Metropolitan Toronto and 839 in the remainder of the Province as of March 1st, 1969.

Of the 190 in Metropolitan Toronto, 74 are now having dues deducted on a voluntary basis in favour of the Canadian Union of Public Employees while 38 of the same group similarly support the Association. As far as those outside Metropolitan Toronto are concerned, 216 are so supporting the Association. Finally, the total number of employees in the total area of administration into which the said institutions and work locations taken over have been absorbed amount to 2,129 of which 555 are similarly paying dues to the Association.



The effect of the transfer of these groups of employees was to merge them with the unit of civil servants where, as previously noted fifty-six percent are on a voluntary deduction of dues in favour of the Association. Where, as in this case, a relatively small number of employees represented by a bargaining agent is combined with another unit of employees represented by a different bargaining agent, it is customary to extent the bargaining rights to that bargaining agent having the greatest support. This principle is to be found, for example, in Section 47(a) of The Labour Relations Act of Ontario which envisages the granting of bargaining rights in such situations to the bargaining agent which represents the majority of the combined unit.

Not only, in my view, is this principle pertinent to the situation here, but it is also significant that the Association previously represented many of these same employees prior to 1961.

Accordingly, I RECOMMEND that since these employees are now merged in the province-wide unit of public servants represented by the Association, that the Association be recognized as their bargaining agent.

The effect of the transfer of the Guards and the Magistrates' Court Clerks was to merge them with the unit of civil servants which the Association represents. Adopting the principles applied by the Ontario Labour Relations Board in cases arising under Section 47(a) of The Ontario Labour Relations Act, I RECOMMEND that since these classes of personnel are now merged in the Province-wide unit of public servants represented by the Association that it be deemed to be their bargaining agent as part of such unit.

## CHAPTER XIV

### THE PUBLIC SERVICE AND THE RIGHT TO STRIKE

One of the matters which is the subject of much public debate and discussion is whether employees in the public service, federally and provincially, should be entitled to strike if all other efforts to conclude a collective agreement fail. As previously observed in this Report, the Government of Canada gave this right to its employees in the public service in 1967 and some of those employees have chosen that method of resolving unsettled issues. One legal strike has thus far been the result, that of the post office employees in 1968. In its Report to that government the Woods' Task Force commented on the problem in the following way:

"7.01. There has been only one strike under the new system, and although it was disruptive and costly we do not believe it justifies any profound change in the present law.

7.02. We recognize that there are those who had reservations about giving public servants the right to strike even before they acquired it. We also appreciate that others now share that misgiving as a result of its early use. However, we do not think that such a right, once given, should be taken away without more cause than has thus far been adduced. We are mindful of the corrosive effects of compulsory arbitration, which would be the only reasonable alternative should the right of public servants to strike be abrogated."

In the Report of the Ontario Royal Commission Inquiry into Labour Disputes, the Commissioner, the late the Honourable Ivan C. Rand, discussed the matter of public employment at some length with reference to the reasonably satisfactory way in which arbitration has worked in the public service of Ontario. In supporting the continuance of the settlement of disputes in the public service in such a manner the Commissioner made the following observations:

"The phenomenon in public service that is becoming clearer each day is the commitment of vital public functions to a rapidly increasing number of small minorities and the equally rapid expansion of community dependence on their faithful performance. When individuals or groups voluntarily undertake these responsibilities they enter a field of virtual monopoly; the community cannot secure itself against rejection of those responsibilities by maintaining a standby force which itself would be open to a similar freedom of action. Our society is built within a structure of interwoven trust, credit and obligation; good faith and reliability are essential to its mode of living; and when these obligations are repudiated confusion may be the harbinger of social disintegration."

I have made only two previous references to this subject in this Report. The first consists of my comments in Chapter III as to the right to strike of public service employees in other jurisdictions. The other is my

recommendation in Chapter XI that the present arbitration procedures in Ontario for the settlement of collective agreements where the parties fail to agree, should be continued. I did not comment in any way on the general question as to whether employees in the public service should be either specifically given, or specifically denied, the right to strike. My restraint in the context of Chapter XI was deliberate as it could be argued that the methods and procedures of negotiations on which I was required to review and report, within my terms of reference, were to have as their basis a bargaining system in which compulsory arbitration was the final means of resolving disputes. I have decided, however, that there are now compelling reasons why I should make certain general observations and reach definitive conclusions on this subject.

First, both the representatives of the government and the Association made submissions to me in this regard and their views should be a matter of record; secondly, the similarity of their conclusions, in light of their experience, and yet with different approaches to the question, is worthy of note; thirdly, that it has been the subject of comment in the Reports of both the Woods' Task Force and the late the Honourable Mr. Rand; and finally, arising out of my own experience in the private, as well as the public sectors, as conciliator, mediator and arbitrator over the past twenty years.

In its initial submission to me the Association said this:

"It is our view that it is most unlikely that any issue in the Ontario Public Service would result in a strike as long as the parties continue to demonstrate the maturity which has been demonstrated over the past two or three years. It is our view that the effect of the present legislation should remain and provide the right to the parties to have recourse to arbitration as the final means of resolving disputes."

The government representatives took this more positive position:

"The right to strike should be clearly prohibited in the Statutes. Automatic penalties on the bargaining agents for work stoppages should also be provided which might include stoppage of the check-off of union dues. Provision should be made for an independent review of the circumstances of a work stoppage where the bargaining agent disclaims all responsibility. Individual violations of the Statutes or collective agreement would be dealt with by disciplinary action, subject to the grievance procedure. These remedies are felt to be preferable to court action or a management grievance (and arbitration) which are those used in the private sector."

In replying to the latter submission the Association stated:

"We do not agree that the right to strike should be clearly prohibited in the Statutes. We would prefer that the legislation be silent. Adequate safeguards of the employer operation could be provided for in a negotiated agreement as well as the responsibility of the bargaining agent."



It is clear from these statements that both parties are reasonably satisfied with the present resolution of interest disputes by final and binding arbitration. It is also significant that none of the other bargaining agents advocated legislation giving the absolute right to strike. Furthermore, only one of them suggested that the federal system should be applied in Ontario and even in this instance, its contention was prefaced by the comment that it had no present intention to conduct a strike.

Just as the Woods' Task Force does not recommend a change in a new federal law until further evidence is available as to its success or failure (and I do not quarrel with this recommendation because whether or not one agrees with a law when it is originally passed, one should not be prone to seek its immediate repeal, but should wait until it is reasonably tested), I, too, have recommended the continuance of the present Ontario law because in addition to the reasons outlined below those most closely connected with its operation assure me it has worked satisfactorily.

As far as the general principle is concerned, I will now make some observations and draw certain conclusions.

First of all, I believe in the system of free collective bargaining in the private sector despite its defects and occasional failures. I am opposed to the settlement of disputes by compulsory arbitration per se. The ideal would be, if parties to such disputes could reach agreement without the intervention or assistance of either government or mediators. The fact that many disputes are now settled in this way is not fully realized by the public because agreements resolving them are concluded with no publicity and in a realistic atmosphere of understanding and restraint. Such success is a tribute to the way our present methods have worked. However, in those cases where disputes cannot be so resolved, the strike and lock-out are necessary counterparts of labour and management respectively, in order to support their bargaining position.

It is also my conviction that such disputes cannot be settled merely by passing new laws or repealing old ones. The making of collective bargaining agreements and their implementation is an exercise in human relations. The parties involved usually hold strong views, and hold them honestly. The need for the success of an enterprise must always be considered in relation to the part played by all those who contribute by their efforts to that success. It should therefore be the resolve of all those connected with this process, be they labour, management or third parties, to strive not only for fair agreements, but to do everything possible to ensure that those affected by them, consider they are fair.

It is with these observations and views in mind, and with the knowledge that labour particularly, but management also, are opposed to compulsory arbitration in the private sector, that I now turn to consider if the same views should invariably prevail when employees in the public service are involved.

It is a truism in our democratic society that where the interests of any individual or group are in conflict with the overall interests of the community, the interests of the community must prevail. It is axiomatic that if society is to be preserved, the sovereignty of the state must remain supreme. Surely our history traces our development to an acceptance of this principle.

Furthermore, our democratic processes provide the methods by which the interests of the community are to be safeguarded. We choose by free elections those who will be entrusted with that responsibility and we have the opportunity at regular intervals of either reaffirming that trust or transferring it to others. Implicit in the selection of those who will govern us is the duty of those selected to provide, without interruption, those services to which all citizens are entitled by law to avail themselves. Therefore, despite my opposition to the imposition of compulsory arbitration to settle industrial disputes in the private sector, I cannot accept the proposition that anyone who joins the public service, should have the right, in conjunction with others, to withdraw his services with the sole objective of compelling a duly-elected government to meet their demands, no matter how meritorious they may be. To admit such a proposition, is to imply that our processes of government, and the services which are provided by law for the benefit of all citizens when required, can legally be rendered ineffectual if a critical segment of public servants or Crown employees should engage in strike action. The result of such enforced repudiation of its obligations to the community by the government could be, as stated by the late the Honourable Mr. Rand, "the harbinger of social disintegration".

This is not my conception of how our democratic processes should work. Governments are elected to formulate policies and make decisions for the benefit of the whole community. No individuals in the community, and particularly those who are employed to ensure, and are actively engaged in, the effective implementation of such policies and decisions, should be able by concerted action, to impede or frustrate such implementation, in order to enforce their will on the citizens as a whole.

Those who favour extending the same rights to employees in the public sector as prevail in the private sector usually support their contention by the argument that some independent tribunal, or the government itself, should have the right to impose compulsory arbitration on an ad hoc basis if the welfare of the community is seriously affected by a strike. In my view this is manifestly wrong in principle. Rights should not be granted to our citizens if, at the same time, it is contemplated that when they are legally exercised by them they may be taken away. Such a "right" can only be characterized as a fiction and a mockery under such circumstances. It is therefore more prudent, and certainly more honest, to recognize initially, without equivocation, that the welfare of the community must prevail, and simply not grant a "right" which may prove completely abortive.



Furthermore, the principle of free collective bargaining is predicated upon the reciprocal rights of the employees to strike and the employer to enforce a lock-out. It is inconceivable to me that public opinion would condone a lock-out of public servants under any circumstances. Consequently, the right to strike cannot be justified and should likewise not prevail.

In view of the observations I have made and the conclusions I have reached, I must add in fairness that there undoubtedly have been situations, both federally and provincially, where public servants, had they been faced with the same working conditions and employer attitudes as have occurred in some situations in the private sector, could have reasonably decided to strike to enforce greater consideration of their demands. However, governments are demonstrating by their conduct their increasing realization that their employees are entitled to be remunerated for their services on a scale comparable to that in effect in the private sector.

It is therefore implicit in the conclusions I have reached against the right to strike in the public service, that governments have a duty to ensure that those who are not accorded the right to strike are rewarded for their services on a basis at least as favourable as those who have such right. In addition, governments have a responsibility to see that this is accomplished in an expeditious and orderly manner. Justice delayed is justice denied, and this does not apply only to procedures in our courts.

I was impressed by the calibre and expertise in industrial relations of the senior representatives of both the government and the various bargaining agents who appeared before me. However, in order to accomplish the foregoing objectives, government must continue to recruit highly trained and competent negotiators to conduct negotiations as well as to deal with the daily problems which arise in labour-management relations. A closer liason must be established so that those conducting negotiations are granted wider authority and are also in a position to obtain ready approval to facilitate the conclusion of collective agreements without unreasonable delay.

Given the application of these principles and concepts, I am confident that the process of collective bargaining for public servants and Crown employees will continue to serve their interests in harmony with those of the community as a whole.



## CHAPTER XV

### SUMMARY

It was my assigned task in this extensive study "to review the existing negotiation and related procedures applicable to the Government as an employer and the representative Associations of Public Servants and employees of Crown Agencies and Commissions as defined in The Public Service Act." In so doing I have been influenced by the principles and practices generally in operation in the private sector, but applying such variations as I deemed advisable and practicable to the public service. I did not do this simply for the sake of conformity but because I felt they would enhance bargaining in the public sector.

The principles and practices to which I have referred, and will summarize hereafter, have evolved out of the experiences of qualified negotiators, mediators and arbitrators utilizing the viewpoints of both management and labour. I now list these principles and practices which I have adopted and included in the recommendations which I have made herein:

1. The establishment of a procedure whereby employees may exercise the democratic principle of freedom of choice as to bargaining representation within the established bargaining units.
2. The continued recognition of the present bargaining agents since they have demonstrated that they command the support of the majority of those in their respective bargaining units.
3. The trend towards wider and larger bargaining units, which is particularly applicable where similar jobs and classifications have been established throughout the province by a common employer, the government.
4. The necessity for the government, Crown Agencies and Commissions as the employers, and the various bargaining agents representing their respective employees, to enter into a more definitive relationship by executing at regular intervals formal collective agreements.
5. The desirability of following the trend to having such agreements cover a longer period than one year, my recommendation being for a minimum two year period.
6. The requirement that all proposed amendments and additions to a collective agreement be made known by each of the parties to the other, four months before an agreement expires, coupled with the obligation on the parties to commence negotiations at the same time with the purpose and expectation of achieving the desirable result of reaching settlements before the existing agreements expire.
7. The establishment of a more formal grievance procedure with provisions for final and binding arbitration of grievances arising out of the interpretation, application or alleged violation of the terms of a collective agreement.

8. The recognition that a bargaining agent which has demonstrated that it has had support from a significant majority of the members of a bargaining unit for a considerable period is entitled to have that support continued by a mandatory system of dues' deduction, subject to certain well-recognized exceptions.
9. The criteria which I have adopted and applied in the determination of eligibility for inclusion in the bargaining units.
10. The emphasis on the need for facilitating communications between the employers and their respective bargaining agents by the recommendation that the Joint Council also serve as a forum for the discussion of matters of common concern to the parties, but which are neither negotiable nor arbitrable.

I am satisfied that if these principles and practices are made operative within the context of this Report, the result will be a meaningful and orderly collective bargaining relationship between the Government, and the Crown Agencies and Commissions concerned, and their employees as represented by their respective bargaining agents.

## CONCLUSION

In conclusion I must gratefully acknowledge the co-operation and assistance I have received in the course of this study from all those who have appeared for the Government and the various Crown Agencies and Commissions and all of the bargaining agents.

These remarks apply particularly to R.V. Hicks, Esq., Q.C., Counsel for the Government, and R.D. Johnston, Esq., Deputy Minister, Department of Civil Service; George Gemmell, Esq., and Harold Bowen, Esq., President and General Manager, respectively, of the Civil Service Association of Ontario.



## APPENDIX I

### AN ACT TO AMEND THE PUBLIC SERVICE ACT, 1961-62

Assented to July 8th, 1966  
Session Prorogued July 8th, 1966

2. (1) Subsection 1 of section 19a of The Public Service Act, 1961-62, as enacted by section 6 of The Public Service Amendment Act, 1962-63, is repealed and the following substituted therefore:

- (1) There shall be a Joint Council composed of,
  - (a) three Crown employees appointed by the Lieutenant Governor in Council, to be known as the “official side”; and
  - (b) three members or two members and one employee or one member and two employees of the Civil Service Association of Ontario appointed by the Lieutenant Governor in Council on the recommendation of the Association, to be known as the “staff side”.

(2) Subsection 4 of the said section 19a is repealed and the following substituted therefor:

- (4) The Chairman of the Joint Council shall,
  - (a) convene a meeting of the Joint Council at the request of the official side or of the staff side, or of both of them;
  - (b) put on the agenda in accordance with the Rules of the Joint Council at the request of the official side or of the staff side, or of both of them, any matter concerning the terms of employment of Crown employees, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and
  - (c) preside at the meeting.

(3) Subsections 5 and 6 of the said section 19a are repealed.

(4) Subsection 8 of the said section 19a is repealed and the following substituted therefor:

- (8) Every agreement reached by the official side and the staff side of the Joint Council shall be put in writing and three copies thereof signed by the senior member of each side, and one copy thereof shall be delivered to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented.

3. (1) Subsection 1 of section 19b of The Public Service Act, 1961-62, as enacted by section 6 of The Public Service Amendment Act, 1962-63, is repealed and the following substituted therefor:

(1) If the two sides of the Joint Council are unable to reach agreement upon any matter, the chairman shall refer the matter to the Minister of Labour who may, within fifteen days thereafter, appoint a mediator to confer with representatives of the two sides and endeavour to bring about agreement upon the matter.

(1a) If the Minister of Labour does not appoint a mediator within the fifteen days mentioned in subsection 1 or if the mediator is unable to bring about agreement, the chairman of the Joint Council shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing, decide the matter.

(2) Subsection 3 of the said section 19b is amended by striking out "appropriate authority to be implemented" in the third line and inserting in lieu thereof "chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented", so that the subsection shall read as follows:

(3) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented.

## APPENDIX II

### INTERIM RULES FOR THE CONDUCT OF BUSINESS

1. The name of the Council will be the "Ontario Joint Council".
2. The Ontario Joint Council shall meet at regular times as determined by the Council, as well as at the call of the Chairman.
3. There will be a Steering Committee as constituted hereunder which will meet at the call of the Chairman.
  - (a) The Steering Committee is composed of the Senior Representative from each side. The Chairman of the Ontario Joint Council will meet with the Steering Committee but shall not vote.
  - (b) The Senior Representative shall be the official spokesman for the side.
  - (c) When necessary and by notice to the Chairman an alternate Senior Representative may be named by either side to act in the absence of the regular Senior Representative.
  - (d) The Steering Committee will plan the content of the agenda and with the Chairman the time and location most suitable for the next meeting.
  - (e) Failure to reach agreement by the Steering Committee on any matter will bring the matter before the Ontario Joint Council.
  - (f) The Secretary of the Council will record the decisions of the Steering Committee and maintain a file of the decisions.
4. The Ontario Joint Council will consider matters within its authority under the Statute in the following categories:
  - (a) Those that cannot be resolved by any other already established procedure;
  - (b) Those that exceed the scope of a single department or the Civil Service Commission but still fall within the competence of the Government to establish a policy or procedure.
5. The following shall be excluded from the agenda of the Ontario Joint Council:
  - (a) Any matter which has not been presented to the appropriate authority for its consideration;
  - (b) Any grievance under The Public Service Act and Regulations which concerns an individual grievor;
  - (c) Any matter which originates from a group of employees who are members of the Civil Service Association of Ontario (Inc.) and which has not been considered by that Association.



6. The side placing a matter on the agenda will present, through an official spokesman, a report together with pertinent data and exhibits. (A minimum of 12 copies of any submission should be made available to the Council).
7. The Chairman shall have the authority to rule a member of the Council out of order who speaks twice on the same point.
8. Either side has the right to make an offer for settlement without prejudice. If on this basis no settlement is possible the parties may return to their original positions for the purposes of arbitration.
9. An item with the consent of the Council may be withdrawn from the agenda of the Council at the request of the side which introduced it. If the item is raised again at a future date it shall be treated as a new matter.
10. Where a member of either side is absent the Senior Representative of that side shall be deemed to have the absent member's proxy during his absence for the purpose of voting.
11. When a matter comes to a vote and is carried the decision will be signed by the Chairman and the Vice-Chairman, and the Chairman shall transmit it to the appropriate authority to be implemented.
12. When a matter cannot be resolved the Chairman may entertain a motion to withdraw it from the agenda or refer it to a committee of the Council. If a motion is not presented, or fails, the Chairman may hold the matter over for discussion at a future meeting, except when arbitration procedure is invoked in accordance with Rule No. 13.
13. No matter may be referred to the Civil Service Arbitration Board except by the Chairman supported by the unanimous vote of the side that introduced it.

August 12, 1963.

## APPENDIX III

### ONTARIO REGULATION 239/65

Joint Council

Made — September 15th, 1965

Approved — September 16th, 1965

Filed — September 21st, 1965

#### REGULATION MADE UNDER THE PUBLIC SERVICE ACT, 1961-62

#### JOINT COUNCIL

1. Subject to Ontario Regulation 213/65, any matter affecting civil servants in the following classifications or positions shall be excluded from the agenda of the Joint Council:

1. A classification as determined by the Commission in which on the first day of October, 1965, and on the first day of January in each year thereafter, at least 50 percent of the civil servants in the classification are required to perform duties,
  - (a) that include responsibility for planning, organization and supervising the work of other employees; and
  - (b) that normally include responsibility for assigning duties, assessing performance, initiating promotions, salary changes and disciplinary action, establishing, demonstrating and supervising work methods and approving overtime in accordance with the regulations.
2. A classification as determined by the Commission in which on the first day of October, 1965, and on the first day of January in each year thereafter, at least 50 per cent of the civil servants in the classification are required to perform duties that include responsibility for advising on the requirements of departmental or governmental programmes in respect of,
  - (a) departmental policy;
  - (b) budget requirements;
  - (c) assignment of employees or groups of employees; or
  - (d) work methods.
3. Positions designated by the Commission as positions in which civil servants are required to perform duties that require the use of confidential information relating to employee relations.

2. Section 2 of Ontario Regulation 177/63, as made by Ontario Regulation 68/65 is revoked.

D. J. Collins  
Chairman

Dated at Toronto, this 15th day of September, 1965

## APPENDIX IV

### EXCLUSIONS FROM CIVIL SERVICE BARGAINING

**Class No.      Class Title**

#### **SOCIAL SERVICES**

##### **SOC—1 Training**

05357	Apprenticeship Counsellor 2
05359	Apprenticeship Counsellor 3
02842	Citizenship Liaison Officer 2
07056	Community Programmes Supervisor
05494	Development Officer 3, Industrial Training
05396	Director, Human Rights Commission
02860	Director, Women's Bureau
02846	Director of Citizenship
05480	Director of Industrial Training
02918	Director of Professional Services
05504	Standards Officer 3, Industrial Training

##### **SOC—2 Library**

07936	Librarian 4
07938	Librarian 5

##### **SOC—3 Historical**

07866	Archivist 4
07840	Archivist of Ontario
07854	Historical Research Officer 3

##### **SOC—4 Social Work**

10179	Assistant Director of Probation Services
10168	Chairman, Parole Board
07389	Chaplain 3
09514	Child Care Worker 4
09515	Child Care Worker 5
09516	Child Care Worker 6
10535	Child Welfare Supervisor 2
50138	Counsellor 5 (Residential Life)
10540	Director, Child Welfare Branch
10542	Director, Day Nurseries Branch
07384	Director of Chaplain Services, Dept. of Correctional Services
10180	Director of Probation Services
10548	Director of Rehabilitation Services
10182	Director of Social Work, Dept. of Correctional Services.



04016	Director of Training and Staff Development, Dept. of Social & Family Services
10177	Inspector of Probation Services
10167	Member, Parole Board
10174	Probation Officer 4
10178	Probation Staff Development Officer
10520	Regional Welfare Administrator 1
10522	Regional Welfare Administrator 2
10524	Regional Welfare Administrator 3
10526	Regional Welfare Administrator 4
10200	Rehabilitation Adviser, Dept. of Health
10206	Rehabilitation Officer 3, Dept. of Health
10194	Rehabilitation Officer 3, Dept. of Correctional Services
10196	Rehabilitation Officer 4, Dept. of Correctional Services
10198	Rehabilitation Officer 5, Dept. of Correctional Services
10110	Social Work Adviser
10106	Social Worker 3
10107	Social Worker 4
10109	Social Worker 5
10158	Staff Training Officer, Social & Family Services
10152	Training Officer 2, Social Work
10154	Training Officer 3, Social Work
50166	Unit Program Director
10506	Welfare Field Supervisor
10532	Welfare Institutions Supervisor

#### **SOC—5 Psychological**

09358	Adviser in Psychology
09356	Director of Psychology, Dept. of Correctional Services
09350	Director of Research, Dept. of Correctional Services
09382	Psychologist 2(a) and (b)
09386	Psychologist 2 (Research)

#### **SOC—6 Nursing**

50088	Adviser in Nursing
50056	Nurse 4, General
50058	Nurse 5, General
50060	Nurse 6, General
50062	Nurse 7, General
50084	Nurse 3, Nursing Education
50085	Nurse 4, Nursing Education
50086	Nurse 5, Nursing Education
50126	Nurse 4, Public Health

### **SOC—7 Occupational and Physical Therapy**

- 09308 Occupational Therapist 3
- 09310 Occupational Therapy Adviser

### **SOC—8 Planning and Development**

- 12804 Chief Industrial Development Officer
- 12108 Community Planner 5
- 12110 Community Planner 6
- 12112 Community Planner 7
- 03628 Deputy Director, Industrial Development Branch
- 04059 Deputy Managing Director, Ontario Development Corporation
- 04126 Director, Development, Ontario Housing Corporation
- 10516 Director, Indian Development Branch
- 03630 Director of Industrial Development
- 12803 Industrial Development Officer 3
- 04063 Technical Consultant 2
- 04060 Vice-Chairman & Managing Director,  
Ontario Development Corporation

## **OPERATIONAL SERVICES**

### **OP—1 Heating and Power**

- 17980 Chief Stationary Engineer 1
- 17985 Chief Stationary Engineer 2
- 17989 Chief Stationary Engineer 3
- 17991 Chief Stationary Engineer 4
- 17993 Chief Stationary Engineer 5
- 17995 Chief Stationary Engineer 6
- 17674 General Superintendent of Mechanical Services
- 17672 Supervisor of Mechanical Services

### **OP—2 Printing**

- 02054 Printing Contracts Supervisor
- 17934 Printer of Foreign Languages

### **OP—3 Aircraft Maintenance**

- 17660 Assistant Plant Superintendent, Air Service
- 17662 Plant Superintendent, Air Service

### **OP—4 General Skilled Trades**

- 17630 Assistant Supervisor of Electrical Devices
- 17654 Chief Instrument Repairman
- 18802 Maintenance Superintendent 2
- 18804 Maintenance Superintendent 3
- 18806 Maintenance Superintendent 4
- 18808 Maintenance Superintendent 5

94032      Preparator 2  
 94034      Preparator 3  
 94036      Preparator 4  
 17944      Sign Painter Supervisor  
 17634      Supervisor of Electrical Crews  
 17632      Supervisor of Electrical Devices  
 17666      Supervisor of Electrical Services

**OP—5 Construction and Installation Inspection**

09550      Adviser, Air Pollution Inspection  
 05315      Boiler Inspector Supervisor 2  
 05317      Boiler Inspector Supervisor 3  
 05338      Chief Officer, Operating Engineers Br.  
 12490      Construction Inspector  
 12960      Construction Superintendent 1  
 12962      Construction Superintendent 2  
 12964      Construction Superintendent 3  
 12966      Construction Superintendent 4  
 05346      Elevator Inspector 2  
 05350      Elevator Inspector 3  
 05352      Elevator Inspector 4  
 05474      Industrial Safety Inspector 3  
 05476      Industrial Safety Inspector 4  
 09556      Inspector 3, Air Pollution  
 05326      Registration & Operations Officer, Operating Engineers Branch  
 06086      Technician 4, Fuel  
 06088      Technician 5, Fuel  
 06090      Technician 6, Fuel

**OP—6 Vehicle Maintenance**

17684      Assistant Garage Superintendent, Parliament Buildings  
 17626      Garage Superintendent 1  
 17628      Garage Superintendent 2  
 17682      Garage Superintendent, Parliament Bldgs.  
 17220      Highway Equipment Instructor 3  
 17222      Highway Equipment Instructor 4  
 17619      Highway Equipment Supervisor 1  
 17621      Highway Equipment Supervisor 2  
 17623      Highway Equipment Supervisor 3  
 17615      Highway Mechanic Foreman



**OP—7 Vehicle Operation**

- 17229 Driver Supervisor
- 12594 Traffic Patrol Supervisor, Dept. of Highways

**OP—8 Mine Rescue Training**

- 17644 Mine Rescue Training Officer 3

**OP—9 Highway and Canal Maintenance**

- 17216 Highway Equipment Instructor 1
- 17218 Highway Equipment Instructor 2
- 12496 Highway General Foreman 2
- 17624 Highway Maintenance Supervisor
- 12489 Highway Patrol Supervisor
- 12488 Highway Patrolman 2
- 17617 Highway Services Supervisor
- 12978 Inspector of Weighmen and Checkers
- 12586 Maintenance Foreman Toll Bridge
- 17692 Vehicle & Construction Equipment Supervisor
- 13972 Water Level Control Supervisor
- 12470 Zone Painting Supervisor

**OP—10 Ferry Operations**

- 17236 Ferry Captain
- 17238 Senior Ferry Captain 1
- 17239 Senior Ferry Captain 2

**OP—11 Forestry and Biology**

- 13984 Chief Arboriculturist
- 14126 Conservation Officer 4
- 14128 Conservation Officer 5
- 14130 Conservation Officer 6
- 14132 Conservation Officer 7
- 14106 Forestry Technician 4
- 14108 Forestry Technician 5
- 14110 Forestry Technician 6
- 14112 Forestry Technician 7

**OP—12 Agricultural Services**

- 19126 Agricultural Worker 4
- 19128 Agricultural Worker 5
- 19130 Agricultural Worker 6
- 13802 Dairy Herd Improvement Officer 2
- 13644 Farm Products Inspector 3
- 19076 Horticulturist
- 19112 Manager 2, Farms and Gardens
- 13792 Oleomargarine Inspector 2

**OP—13 Cleaning and Caretaking**

50634	Buildings Caretaker 3
50636	Buildings Caretaker 4
50638	Buildings Caretaker 5
50640	Buildings Caretaker 6
50642	Buildings Caretaker 7
50624	Buildings Cleaner and Helper 3
50626	Buildings Cleaner and Helper 4
50644	Buildings Superintendent

**OP—14 Correctional**

50568	Correctional Officer 5
50570	Correctional Officer 6
50572	Correctional Officer 7
50556	Industrial Officer 4
50558	Industrial Officer 5
18332	Industrial Superintendent
50576	Staff Training Officer, Dept. of Correctional Services
50525	Training School Supervisor 5
50526	Training School Supervisor 6

**OP—15 Institutional Care**

07390	Athletics Supervisor & Dean of Men
50098	Attendant 5, Oak Ridge
50100	Attendant 6, Oak Ridge
50102	Attendant 7, Oak Ridge
50028	Hospital Attendant 5
50030	Hospital Attendant 6
50032	Hospital Attendant 7

**OP—16 Personal Services**

50216	Cook 3
50218	Cook 4
50220	Cook 5
50222	Cook 6
50312	Laundry Worker 5
50314	Laundry Worker 6
50316	Laundry Worker 7
50318	Laundry Worker 8

**OP—17 Supply**

51222	Area Supply Supervisor
51220	Central Stores Supervisor
51212	Clerk 7, Supply
51214	Clerk 8, Supply
51224	Materials Control Supervisor

	<b>OP—18 Artisans</b>
94026	Artisan 4
	<b>OP—19 Radio Operations</b>
	<b>OP—20 Traffic</b>
12946	Technician 4, Traffic
	<b>OP—21 Ambulance Services</b>
09594	Ambulance Service Officer 3

## **ADMINISTRATIVE SERVICES**

	<b>ADM—1 Legal</b>
05210	Associate Director, Companies Branch
05200	Associate Legislative Counsel
05180	Crown Attorney 1
05182	Crown Attorney 2
05184	Crown Attorney 3
05072	Crown Attorney for the City of Toronto and the County of York
05070	Deputy Crown Attorney
05092	Director and Master of Titles
05212	Director, Companies Branch
05166	Director, Ontario Securities Branch
05192	Director of Insurance Branch
05078	Director of Public Prosecutions
05160	General Municipal Counsel
05214	Legal Adviser, Dept. of Provincial Secretary and Citizenship
05036	Legal Officer 4
05038	Legal Officer 5
05198	Legislative Counsel
05124	Master, Supreme Court of Ontario
05132	Mining Commissioner
05081	Official Guardian
05083	Public Trustee
05218	Senior Crown Counsel
05196	Senior Legislative Counsel
05126	Senior Master, Supreme Court of Ontario
05427	Vice-Chairman 1, Ont. Labour Relations Board
05428	Vice-Chairman 2, Ont. Labour Relations Board



**ADM—2 Financial**

03150	Audit Accountant
03152	Chief Audit Accountant 1
03154	Chief Audit Accountant 2
03156	Chief Audit Accountant 3
00918	Chief Estate Assessor
00920	Chief Estates Officer
03168	Comptroller, Dept. of Lands & Forests
03133	Comptroller of Accounts
03131	Comptroller of Finances
03135	Comptroller of Revenue
03280	Departmental Accountant 1
03282	Departmental Accountant 2
03284	Departmental Accountant 3
03285	Departmental Accountant 4
03286	Departmental Accountant 5
03287	Departmental Accountant 6
03288	Departmental Accountant 7
03289	Departmental Accountant 8
03290	Departmental Accountant 9
02246	Director, Actuarial Services
03272	Director, Government Accounting
01834	Director, Municipal Auditing & Accounting Branch
03572	Director, Succession Duty Branch
03137	Director of Finance, Dept. of University Affairs
03552	Director of Financial Administration, Department of Education
01836	Director of Municipal Finance
01860	Director of Municipal Subsidies
07070	Director of School Business Administration
03136	Financial Comptroller, Dept. of Highways
03128	Mine Assessor and Financial Adviser
00962	Personalty Valuator 2
03306	Tax Auditor 4
03308	Tax Auditor 5
03310	Tax Auditor 6
03320	Tax Director 1
03322	Tax Director 2
03324	Tax Director 3
03326	Tax Director 4
03328	Tax Director 5

**ADM—3 Municipal Services**

01806	Director, Municipal Administration Branch
01858	Director, Municipal Assessment Branch
01814	Supervisor 3, Mun. Org. & Administration
01856	Supervisor 3, Municipal Assessment

**ADM—4 Property**

00994 Accommodation Officer 3  
00996 Accommodation Officer 4  
04128 Chief Appraiser, Ont. Housing Corporation  
03608 Property Administrator  
00944 Property Agent 3  
00946 Property Agent 4  
00948 Property Agent 5  
00949 Property Agent 6  
00974 Property Officer 3  
00975 Property Officer 4  
00977 Property Officer 5  
00954 Realty Appraiser 3  
03660 Regional Services Manager 1  
03662 Regional Services Manager 2

**ADM—5 Purchasing**

02046 Chief Purchasing Officer  
04143 Executive Director, Purchasing & Supply  
02044 Purchasing Officer 3  
02048 Senior Purchasing Officer  
03610 Superintendent of Supply

**ADM—6 Personnel**

02481 Civil Service Commission Officer 1  
02483 Civil Service Commission Officer 2  
02485 Civil Service Commission Officer 3  
02487 Civil Service Commission Officer 4  
02489 Civil Service Commission Officer 5  
02491 Civil Service Commission Officer 6  
02530 Director of Staff Relations  
02536 Employee Councillor  
02411 Personnel Officer 1  
02413 Personnel Officer 2(A)  
02415 Personnel Officer 2(B)  
02417 Personnel Officer 3(A)  
02419 Personnel Officer 3(B)  
02421 Personnel Officer 4  
02423 Personnel Officer 5  
02403 Personnel Technician  
02401 Personnel Trainee  
02534 Senior Staff Relations Adviser  
02532 Staff Relations Officer

**ADM—7 Public Relations**

02830	Commissioner for Highway Safety
02752	Co-Ordinator of Press Relations
02897	Deputy Director of Immigration (London)
02736	Director, Advertising Branch
02738	Director, Information Branch
02732	Director, Publicity Branch
03560	Director, Special Projects and Planning, Trade and Development
02734	Director, Tourist Industry Development Branch
02898	Director of Immigration
02728	Editor, Civil Service Publications
02724	Editor 2, Department of Mines
02893	Immigration Officer 2
02895	Immigration Officer 3
02874	Press Relations Supervisor
09560	Public Health Educator
02872	Supervisor Editorial Section
06116	Tourist Industry Officer 4
06118	Tourist Industry Officer 5

**ADM—8 Management Services**

16961	Assistant Manager 1, Electronic Data Processing
16962	Assistant Manager 2, Electronic Data Processing
04007	Chief Organization & Methods Services
17004	Computer Programmer 3 (Scientific)
17006	Computer Programmer 4 (Scientific)
16980	Computer Technician 3
04083	Co-ordinator, Systems Development
17020	Director, E.D.P. Standards Branch
16963	Manager 1, Electronic Data Processing
16964	Manager 2, Electronic Data Processing
04000	Organization & Methods Officer 1
04002	Organization & Methods Officer 2
04004	Organization & Methods Officer 3
04005	Organization & Methods Officer 4
04006	Organization & Methods Officer 5
04074	Systems & Procedures Officer 1
04076	Systems & Procedures Officer 2
04078	Systems & Procedures Officer 3
04080	Systems & Procedures Officer 4
04082	Systems & Procedures Officer 5



### **ADM—9 Labour Relations**

05451	Conciliation Officer 1
05453	Conciliation Officer 2
05454	Conciliation Officer 3
05456	Conciliation Officer 4
05458	Director of Conciliation Services
05432	Examiner 1, Ont. Labour Relations Board
05434	Examiner 2, Ont. Labour Relations Board
05436	Field Officer, Ont. Labour Relations Board

### **ADM—10 Institutional**

10866	Administrator, Female Reformatories Br.
10872	Administrator, Inspection & Jails Br.
10864	Administrator, Male Reformatories Br.
10862	Administrator, Training Schools
50500	Assistant Superintendent, Dept. of Correctional Services
50598	Deputy Governor, Dept. of Correctional Services
50502	Deputy Superintendent 1, Dept. of Correctional Services
50504	Deputy Superintendent 2, Dept. of Correctional Services
09388	Director of Staff Development
50586	Governor 1, Dept. of Correctional Services
50588	Governor 2, Dept. of Correctional Services
50590	Governor 3, Dept. of Correctional Services
50592	Governor 4, Dept. of Correctional Services
50594	Governor 5, Dept. of Correctional Services
50596	Governor 6, Dept. of Correctional Services
10870	Inspector, Dept. of Correctional Services
50506	Reformatory Superintendent 1
50508	Reformatory Superintendent 2
50510	Reformatory Superintendent 3
02450	Supervisor of Staff Training
50512	Training School Superintendent 1
50514	Training School Superintendent 2

### **ADM—11 Administrative Services**

#### **(a) General Administration**

03510	Administrative Officer
07040	Assistant Registrar, Dept of Education
04066	Chief of Services, Public Works
51010	Clerk 6, General
51012	Clerk 7, General
03534	Clerk of the Executive Council
01660	Deputy Registrar, Ont. Labour Relations

04108 Director, Accident Claims Branch  
 03652 Director, Emergency Measures Organization  
 01670 Director, Securities Branch  
 03527 Director of Administrative Services  
 03596 Director of Municipal Pensions  
 14054 Director of Operations, Dept. of Lands and Forests  
 03592 Director of Pension Funds Branch  
 03520 Executive Officer 1  
 03522 Executive Officer 2  
 03524 Executive Officer 3  
 03512 Executive Officer, Municipal Affairs  
 13978 Fur Management Supervisor  
 06060 Member, Ont. Highway Transport Board  
 03540 Queen's Printer  
 01662 Registrar, Ont. Labour Relations Board  
 01698 Registrar, Used Car Dealers & Salesmen  
 01692 Registrar of Collection Agencies  
 01690 Registrar of Real Estate & Business Brokers  
 03558 Registrar of Vital Statistics  
 05139 Secretary, Ontario Municipal Board  
 51070 Superintendent, Public Housing  
 03526 Supervisor of Operations  
 04008 Treasury Board Officer 1  
 04010 Treasury Board Officer 2  
 04012 Treasury Board Officer 3  
 04013 Treasury Board Officer 4  
 04014 Treasury Board Officer 5

**(b) Institutional Administration**

03260 Assistant Hospital Business Administrator 1  
 03262 Assistant Hospital Business Administrator 2  
 03264 Assistant Hospital Business Administrator 3  
 03242 Bursar 2  
 03244 Bursar 3  
 03246 Bursar 4  
 03248 Bursar 5  
 04150 Hospital Administrator 1  
 04152 Hospital Administrator 2  
 03250 Hospital Business Administrator  
 03252 Hospital Business Administrator 2  
 03254 Hospital Business Administrator 3

**(c) Labour Standards**

05392 Chairman, Industry and Labour Board  
 05464 Director of Labour Standards  
 05463 Labour Standards Officer 3  
 05390 Member, Industry and Labour Board

**(d) Land and Mining Registration**

03536 Chief, Mining Lands Branch  
01652 Chief Mining Recorder  
01750 Land Registration Officer 1  
01752 Land Registration Officer 2  
01754 Land Registration Officer 3  
01756 Land Registration Officer 4  
01758 Land Registration Officer 5  
01740 Land Registration Supervisor  
01650 Mining Recorder

**(e) Translation**

02784 Citizenship Officer 3

**(f) Buildings Management**

04178 Manager 1, Buildings Management  
04180 Manager 2, Buildings Management  
04182 Manager 3, Buildings Management  
04184 Manager 4, Buildings Management  
04186 Manager 5, Buildings Management  
04188 Manager 6, Buildings Management

**ADM—12 Education**

07494 Adviser, Elementary School Correspondence Courses  
07367 Assistant Superintendent, O.S.B., O.S.D.  
07520 Director of Education, Dept of Correctional Services  
07076 Director of Educational Television  
07086 Education Officer 4  
07088 Education Officer 5  
07090 Education Officer 6  
07092 Education Officer 7  
07580 Principal 1, Ont. School for the Retarded  
07582 Principal 2, Ont. School for the Retarded  
07584 Principal 3, Ont. School for the Retarded  
07476 Principal 1, Provincial Institutes of Trades  
07478 Principal 2, Provincial Institutes of Trades  
07542 Principal 1, Teachers' College  
07544 Principal 2, Teachers' College  
07366 Superintendent, O.S.B., O.S.D.  
07540 Vice-Principal, Teachers' College  
07372 Vocational Training Supervisor 2



### **ADM—13 Economics and Statistics**

02292	Chief Economist
02300	Director, Research & Planning Br. OMSID
02280	Economist 1
02282	Economist 2
02284	Economist 3
02286	Economist 4
02288	Economist 5
02290	Economist 6
02206	Statistician 4

### **ADM—14 Senior Administrators**

02776	Agent-General for the Prov. of Ontario in Great Britain
04092	Asst. Deputy Attorney-General, Justice Admin.
04090	Asst. Deputy Attorney-General, Public Safety
04034	Asst. Deputy Minister, Administration, D.H.O.
04030	Asst. Deputy Minister, Dept. of Agriculture
04037	Asst. Deputy Minister, Dept. of Education
04040	Asst. Deputy Minister, Dept. of Lands & Forests
04064	Asst. Deputy Minister, Dept. of Correctional Services
04028	Asst. Deputy Minister, Dept. of University Affairs
04042	Asst. Deputy Minister, Engrg., D.H.O.
04048	Assistant Provincial Auditor
04053	Asst. to the Clerk of the Legislative Assembly
90516	Chairman, Ontario Energy Board
90520	Chairman, Ontario Highway Transport Board
90524	Chairman, Ontario Labour Relations Board
04046	Assistant Deputy Minister, Municipal Finance
04020	Chief Executive Officer, Dept. of the Prime Minister
04052	Clerk of the Legislative Assy. & Chief Election Officer
04130	Deputy Registrar of Motor Vehicles
04122	Director, Administration, Ont. Housing Corporation
04141	Director, Buildings Management
10550	Director, Dept. of Social & Family Services
04170	Director, Driver Branch
03546	Director, Operations Branch, OMSID
04148	Director, Planning Branch, Public Works
04172	Director, Vehicle Branch
04140	Director of Administration, Ont. Centennial Centre
04056	Director of Finance and Personnel
04134	Director of Insurance Services, Registry Board
02916	Director of Interpretation
04051	Director of Program Analysis
05194	Director of Registration & Examination
10546	Director of Welfare Allowances
03624	Executive Director, Admin. Division, Treasury

03998	Executive Director, Advisory Services Division
04024	Executive Director, Dept. of Energy and Resources Management
04018	Executive Director, Dept. of Social & Family Services
02740	Executive Director, Dept. of Tourism and Information
04144	Executive Director, Finance & Admin. Public Works
03564	Executive Director, Finance & Admin., Social & Family Services
03120	Executive Director, Financial & Admin. Servs.
03532	Executive Director of Manpower Services
02240	Executive Officer, Dept. of the Prime Minister
03632	General Manager, Ont. St. Lawrence Development Commission
04124	Housing Development Administrator
04136	Registrar, Health Insurance Registration Board
05112	Registrar, Supreme Court of Ontario
04132	Registrar of Motor Vehicles
04110	Secretary, Teachers' Superannuation Comm.
03122	Special Projects Adviser
05190	Superintendent of Insurance
03594	Superintendent of Pensions, Pension Comm. of Ontario
05931	Supervisor of Racing
06054	Vice-Chairman, Ontario Energy Board
06062	Vice-Chairman, Ont. Highway Transport Board
04120	Vice-Chairman and Managing Director, Ontario Housing Corporation

## SCIENTIFIC AND TECHNICAL SERVICES

### (a) Architecture

#### SC-1 Architecture and Interior Design

12204	Architect 3
12206	Architect 4
12208	Architect 5
12210	Architect 6
12212	Architect 7
12234	Architectural Job Captain 3
12260	Architectural Officer 1
12262	Architectural Officer 2
12264	Architectural Officer 3
12066	Architectural Services Officer, Dept. of University Affairs
12084	Chief of Contracts
04142	Director, Design & Construction Branch Public Works
04146	Executive Director, Operations, Public Works
12224	Specification Editor 3

### (b) Interior Design

12274	Exhibition Designer 3
12276	Exhibition Designer 4
12278	Exhibition Designer 5
12508	Interior Design Supervisor

## **SC—2 Engineering**

12070	Access Roads Superintendent
12072	Access Roads Manager
12010	Chief, Air Pollution Control Service
06034	Chief Inspector, Energy Resources (Drill and Prod.)
04058	Claims Engineer
12038	Director, Design Branch, Dept. of Highways
12036	Director, Planning Branch, Dept. of Highways
12032	Director, Services Branch, Dept. of Highways
03598	Director of Technical Services
12058	District Construction Superintendent
12044	Engineer 3
12046	Engineer 4
12048	Engineer 5
12050	Engineer 6
12052	Engineer 7
12190	Engineer of Mines 1
12192	Engineer of Mines 2
12194	Engineer of Mines 3
12196	Engineer of Mines 4
12702	Engineering Officer 2
12704	Engineering Officer 3
12734	Estimator 3, Engineering Audit
12053	Executive Engineer
12054	Highway District Engineer 1
12055	Highway District Engineer 2
12034	Manager of Operations, Dept. of Highways
12074	Superintendent of Engineering Audits
03600	Superintendent of Equipment
12930	Technician 1, Construction
12932	Technician 2, Construction
12934	Technician 3, Construction
12936	Technician 4, Construction
12910	Technician 1, Engineering Audit
12912	Technician 2, Engineering Audit
12913	Technician 3, Engineering Audit
12914	Technician 4, Engineering Audit
12915	Technician 5, Engineering Audit
12722	Technician 2, Engineering Office
12724	Technician 3, Engineering Office
12726	Technician 4, Engineering Office
12916	Technician 1, Engineering Survey
12918	Technician 2, Engineering Survey
12919	Technician 3, Engineering Survey
12920	Technician 4, Engineering Survey
12956	Technician 4, Road Design



**SC—3 Geological**

14510	Assistant Director, Geological Branch
14512	Director, Geological Branch
14502	Geologist 1
14504	Geologist 2
14506	Senior Geologist

**SC—4 Land Surveying**

12150	Chief Inspector of Surveys
12178	Director of Legal Surveys
12142	Inspector of Surveys 1
12144	Inspector of Surveys 2
12146	Inspector of Surveys 3
12176	Legal Survey Examiner 4
12140	Surveyor
14056	Surveyor-General
12922	Technician 1, Legal Survey
12924	Technician 2, Legal Survey

**SC—5 Drafting and Design**

12744	Bridge Materials Officer 3
12606	Commercial Artist 3
12406	Draftsman 3
12408	Senior Draftsman
12412	Supervisor of Location Drafting

**SC—6 Photogrammetry and Stereoplotting**

12848	Cartographer 5
12850	Cartographer 6
12852	Cartographer 7
12886	Photogrammetrist 4
12888	Photogrammetrist 5

**SC—7 Agricultural**

13692	Agricultural Officer 3
13694	Agricultural Officer 4
13606	Agricultural Representative 3
13714	Agricultural Specialist 3, Dairy
13738	Agricultural Specialist 2, Seeds and Weeds
07608	Lecturer 4(a), Agricultural School
07610	Lecturer 4(b), Agricultural School
19114	Manager 3, Farms and Gardens
07616	Principal, Agricultural School
13746	Superintendent, Demonstration Farm
13646	Supervising Farm Products Inspector

**SC—8 Conservation**

14025	Biologist 3
14050	Chief, Conservation Authorities Branch
14040	Chief, Fish and Wildlife
14042	Chief, Forest Protection
14046	Chief, Timber
14048	Director, Parks and Recreation
13995	Forester 3
13997	Forester 4
13999	Forester 5
07464	Instructor 3, Ontario Forest Ranger School
14162	Parks Planner 2
14164	Parks Planner 3
17696	Plant & Equipment Supervisor (Lands & Forests)
14168	Recreational Land Use Planner
14038	Regional Director, Dept. of Lands & Forests
14013	Resources Manager 3
14015	Resources Manager 4
14090	Section Supervisor 1, Dept. of Lands & Forests
14092	Section Supervisor 2, Dept. of Lands & Forests
14027	Senior Biologist
05960	Sulphur Fumes Arbitrator

**SC—9 Aircraft Operation**

17262	Check Pilot
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**SC—10 Dental**

09066	Adviser in Public Health Dentistry
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**SC—11 Medical**

09042	Chairman, Medical Advisory Board
09228	Director, Hospital Management Services
09224	Director, Mental Hospitals
09226	Director, Mental Retardation
09038	Director of Coroners
09220	Executive Director, Mental Health Division
09030	Executive Director, OMSID
09222	Executive Director, Public Health Division
09180	Medical Officer 1, Dept. of Correctional Services
09182	Medical Officer 2, Dept. of Correctional Services
09184	Medical Officer 3, Dept. of Correctional Services
09244	Psychiatrist 3
09246	Psychiatrist 4
09248	Psychiatrist 5
09250	Psychiatrist 6
09208	Physician 4(b)
09212	Physician 5

09214 Physician 6  
09216 Physician 7  
09218 Physician 8

**SC—12 Pharmaceutical**

**SC—13 Veterinary**

09120 Epidemiologist  
09404 Veterinarian 3  
09574 Veterinary Scientist 3  
09576 Veterinary Scientist 4  
09578 Veterinary Scientist 5

**SC—14 Health Inspection and Investigation**

09390 Chief Industrial Health Counsellor  
09588 Pesticides Control Officer 5  
09548 Public Health Inspector 5

**SC—15 Home Economics and Nutrition**

18232 Dietitian 1  
18234 Dietitian 2  
18236 Food Services Administrator  
13614 Home Economist 3  
13616 Home Economist 4  
09522 Nutritionist 2

**SC—16 Medical Equipment Operation**

17446 Technician 3, X-Ray  
17448 Technician 4, X-Ray

**SC—17 Research**

16010 Chief Research Scientist, Agriculture  
13706 Director, Agricultural Education & Research  
13672 Director, Horticultural Experiment Station  
14052 Director of Research, Dept. of Lands & Forest  
12086 Director of Research, Highways  
12094 Research Officer 3, Highways  
12096 Research Officer 4, Highways  
12098 Research Officer 5, Highways  
16004 Research Scientist 3, Agriculture  
16006 Research Scientist 4, Agriculture  
15404 Research Scientist 3, Lands & Forests  
15406 Research Scientist 4, Lands & Forests  
15408 Research Scientist 5, Lands & Forests  
15420 Research Supervisor 1, Lands & Forests  
15422 Research Supervisor 2, Lands & Forests



**SC—18 Testing and Analysis**

15586	Director, Attorney General's Laboratory
15570	Laboratory Director, Class "A" Laboratory
15572	Laboratory Director, Class "B" Laboratory
15574	Laboratory Director, Class "C" Laboratory
15578	Manager, Temiskaming Testing Laboratory
15580	Provincial Assayer
15550	Scientist 5
16024	Senior Radiation Protection Physicist
15576	Supervisor of Laboratories
16058	Technician 5, Chemical Laboratory
16078	Technician 5, Physical Laboratory
16068	Technician 5, Medical Laboratory

**SC—19 Photographic**

16534	Photographer 3, Laboratory
52594	Manager, Photographic Reproduction Unit
02884	Publicity Photographer 3
52592	Technician 7, Photographic

**SC—20 Communications**

16716	Communications Supervisor
16774	Communications Technician 3
16752	Highways Communications Supervisor
16740	Superintendent of Telephone Services

**SC—21 Traffic Analysis**

12756	Traffic Analyst 4
12758	Traffic Analyst 5
12760	Traffic Analyst 6

**GENERAL SERVICES****GS—1 Transportation Inspection**

05908	Chief Inspector, Department of Transport
05915	Driver Examiner 3
05917	Driver Examiner 4
05919	Driver Examiner 5
05905	Inspector 3, Department of Transport
12466	Inspector of Signs and Buildings Permits
05996	Review Officer 2
05940	Service Areas Manager

**GS—2 Entertainment Inspection**

05926 Assistant Director, Theatres Branch  
05936 Athletics Commissioner  
05928 Director, Theatres Branch

**GS—3 Investigative**

05676 Chief Investigator, Ontario Securities Commission  
01684 Deputy Director, Registration (Ont. Securities Comm.)  
05714 Fire Services Investigator 3  
13798 Investigator 2, Agricultural Products  
06070 Tax Investigator

**GS—4 Fire Services**

05650 Deputy Fire Marshal  
07412 Director of Ontario Fire College  
05630 Fire Chief  
05652 Fire Marshal  
05704 Fire Services Adviser 3

**GS—5 Court Reporting**

00488 Chief Supreme Court Reporter  
00485 Court Reporter 3  
00487 Supreme Court Reporter 2

**GS—6 General Administrative Services****(a) General**

51028 Clerk 5, Filing

**(b) Savings Office**

03042 Director, Savings Office Branch  
51934 Inspector 3, Savings Office  
51940 Manager 1, Savings Office  
51942 Manager 2, Savings Office  
51944 Manager 3, Savings Office  
51946 Manager 4, Savings Office  
51960 Supervisor of Branch Operations, Savings Office

**(e) Attendant and Messenger**

51046 Clerk 4, Mail and Messenger

**(f) Telephone Services**

52614 Operator 3, Central Switchboard

**(h) Typing, Stenographic and Secretarial**

52030	Cabinet Agenda Secretary
00498	Secretary, Legislative Services
52080	Secretary to Chairman, Ont. Municipal Board
52082	Secretary to Deputy Minister
52084	Secretary to Secretary of the Cabinet
52098	Secretary to the Chairman, Ont. Law Reform Comm.
52096	Secretary to the Chief Justice
52086	Secretary to the Lieutenant-Governor
52088	Secretary to the Minister
52890	Secretary to the Prime Minister
52092	Secretary to the Provincial Auditor
52094	Secretary to the Speaker

**(i) Printing and Office Equipment**

52596	Manager, Offset Printing Unit
52564	Operator 3, Bindery Equipment
52556	Operator 4, Microfilm
52558	Operator 5, Microfilm
52506	Operator 4, Offset Equipment
52516	Operator 4, Whiteprint Equipment

**(j) Data Processing**

52784	Operator 3, Electronic Computer
52758	Operator 5, Key Punch Equipment
52760	Operator 6, Key Punch Equipment
52772	Operator 5, Tabulating Equipment
52774	Operator 6, Tabulating Equipment
16956	Production Supervisor
52790	Supervisor, Data Processing, Dept. of Civil Service
52792	Supervisor, Data Processing, Registrar-General

**(k) Toll Collection Services**

00084	Toll Supervisor
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**DEPUTY MINISTER**

90512	Chairman, Civil Service Commission
90644	Commissioner, Ontario Provincial Police
90544	Deputy Attorney General
90548	Deputy Minister, Department of Agriculture & Food
90552	Deputy Minister, Department of Trade & Development
90556	Deputy Minister, Department of Education
90560	Deputy Minister, Department of Energy and Resources Management
90648	Deputy Minister, Department of Financial & Commercial Affairs



90564	Deputy Minister, Department of Health
90568	Deputy Minister, Department of Highways
90572	Deputy Minister, Department of Labour
90576	Deputy Minister, Department of Lands & Forests
90580	Deputy Minister, Department of Mines
90584	Deputy Minister, Department of Municipal Affairs
90588	Deputy Minister, Department of Social & Family Services
90592	Deputy Minister, Department of Public Works
90596	Deputy Minister, Department of Correctional Services
90604	Deputy Minister, Department of Tourism & Information
90600	Deputy Minister, Department of Transport
90624	Deputy Minister, Department of University Affairs
90608	Deputy Provincial Secretary
90650	Deputy Provincial Treasurer, Finance & Economics
90652	Deputy Provincial Treasurer, Revenue
90616	Secretary of the Cabinet
90620	Secretary of the Treasury Board

### **PROFESSIONAL CLASSES**

12200	Architects 1
12202	Architects 2
09060	Dentist 1
09062	Dentist 2
12040	Engineer 1
12042	Engineer 2
05030	Legal Officer 1
05032	Legal Officer 2
05034	Legal Officer 3
05170	Assistant Crown Attorney 1
05172	Assistant Crown Attorney 2
05174	Assistant Crown Attorney 3
05176	Assistant Crown Attorney 4
09200	Physician 1
09202	Physician 2
09204	Physician 3
09206	Physician 4a
09210	Physician 4c
09240	Psychiatrist 1
09242	Psychiatrist 2

### **Other Typing, Stenographic and Secretarial**

All clerical, stenographic and secretarial staff of Personnel Offices, the Department of Civil Service, and Staff Relations.  
Secretaries to Assistant Deputy Ministers

### **Department of Agriculture and Food**

Secretary to the Director of Finance and Administration.

## **Department of Attorney General**

Secretary to the Office of the Minister  
Secretary to the Chairman, Ont. Police Commission.  
Secretary to the Director of Probation Services  
Secretary to the Executive Director Audit Secretary

## **Department of Health**

Secretary to Executive Director Mental Health Division  
Secretary to Executive Director Public Health Division  
Secretary to Executive Director Financial  
and Administrative Services Division  
Secretary to Executive Director Medical  
Services Insurance Division  
Secretary to Director Mental Hospitals Branch  
Secretary to Director Mental Retardation Branch  
Secretary to Director Professional Services Branch  
Secretary to Director Hospital Management Services Branch  
Secretary to Director Financial Services Branch  
Secretary to Director Administrative Services Branch  
Secretary to Director Information Branch  
Secretary to Director Legal Branch  
Secretary to Director Research and Planning Branch  
Secretary to Director Environmental Health Branch  
Secretary to Director Laboratories Branch  
Secretary to Director Special Health Services Branch  
Secretary to Director Local Health Services Branch  
Secretary to Director Research and  
Development Branch (M.S.I.D.)  
Secretary to Director Medical Adjudication  
Branch (M.S.I.D.)  
Secretary to Director Operations Branch (M.S.I.D.)  
Secretary to Director Claims Branch (M.S.I.D.)  
Secretary to Hospital Superintendents  
Secretary to Hospital Administrators  
Secretary to Business Administrators  
Secretary to Executive Assistant Mental Health Division  
Secretary to Executive Assistant Mental Hospitals Branch  
Secretary to Executive Assistant Mental Retardation Branch  
Secretary to Executive Assistant Public Health Division  
Secretary to Executive Assistant Environmental Health Branch  
Secretary to Executive Assistant Air Pollution Control  
Secretary to Associate Director Laboratories Branch  
Secretary to Executive Assistant Local Health Services Branch  
Secretary to Executive Assistant Special Health Services Branch  
Secretary to Executive Assistant Medical Services Insurance Div.  
Secretary to Chief Occupational Health Service

Secretary to Chief Air Pollution Control Service  
Secretary to Chief Public Health Engineering Service  
Secretary to Chief Environmental Health Laboratory Service  
Secretary to Chief Food Protection Service  
Secretary to Chief Health Service for Ontario Civil Servants  
Secretary to Chief Epidemiology Service  
Secretary to Chief Medical Rehabilitation and Chronic Care Service  
Secretary to Chief Maternal and Child Health Service  
Secretary to Chief Tuberculosis Prevention Service.

#### **Department of Highways**

Assistant Secretary to Minister  
Secretary to Manager, Special Services  
Secretary to Director of Research  
Secretary to Estimating Engineer  
Secretary to Superintendent of Property  
Secretary to Superintendent of Surveys  
Secretary to Maintenance Engineer  
Secretary to Road Design Engineer  
Secretary to Commuter Rail Project Manager  
Secretary to Bridge Engineer  
Secretary to Construction Engineer  
Secretary to Claims Engineer  
Secretary to Traffic and Planning Studies Engineer  
Secretary to Functional Planning Engineer  
Secretary to Superintendent Engineering Surveys  
Secretary to District Engineers

#### **Department of Municipal Affairs**

Secretary to the Director of Administrative Services  
Secretary to General Municipal Counsel

#### **Department of Provincial Secretary & Citizenship**

Assistant Secretary Deputy Minister's Office  
Secretary for Executive Assistant to the Minister  
Assistant Secretary Minister's Office

#### **Department of Tourism and Information**

Secretary in the Main Office  
Secretary to Executive Director  
Secretary to the General Manager of St. Lawrence  
Parks Commission

#### **Department of Transport**

Secretary to Registrar Motor Vehicles



**Department of The Lieutenant Governor**

Assistant Secretary

**Department of Financial and Commercial Affairs**

Secretary to Director Administrative Services  
Secretary to Superintendent of Insurance  
Secretary to Director of Insurance  
Secretary to Director of Consumer Protection Division  
Secretary to Chairman of Ontario Securities Commission  
Secretary to Director of Ontario Securities Commission  
Secretary to Director of Registration and Examinations

**Centennial Centre of Science and Technology**

Secretary to the Executive Director

**Health Insurance Registration Board**

Secretary to Registrar

**Department of Prime Minister**

Secretary in Charge — Appointment and Inquiry  
Departmental Secretary and Accountant  
Records and Filing Clerk

**Ontario Housing Corporation**

Secretary to the Vice-Chairman & Managing Director  
Secretary to the Deputy Managing Director, Property  
Management Branch  
Secretary to the Deputy Managing Director, Development Branch

**Department of Attorney-General****(O.P.P. Civilian Staff)**

Secretary to the Commissioner O.P.P.  
Secretary to the Deputy Commissioner  
Secretary to Assistant Commissioner

**Department of Revenue & Department of  
Finance and Economics**

Secretary to the Executive Assistant, Finance and Economics  
Secretary to the Executive Director, Policy Planning Div.  
Secretary to the Director, Taxation and Fiscal Policy Branch  
Secretary to the Executive Director, Economic and  
Statistical Services Division  
Secretary to Comptroller of Accounts  
Secretary to Comptroller of Finances  
Secretary to Comptroller of Revenue  
Secretary to Executive Director, Administrative Division

**Treasury Board**

Secretary to Secretary of Treasury Board  
Secretary to Executive Director, Program and Estimates Division  
Secretary to Executive Director, Advisory Service Division

**Department of Labour**

Secretary to the Executive Assistant to the Minister  
Secretary to the Executive Assistant to the Deputy Minister  
Secretary to the Director, Administrative Services Division  
Secretary to the Director, Conciliation Services  
Secretary to the Chairman, Ontario Labour Relations Board  
Secretary to the Executive Director, Manpower Services Division  
Secretary to the Director, Ontario Human Rights Commission  
Secretary to the Director, Safety and Technical Services

**Department of Public Works**

Assistant Secretary to the Minister  
Secretary to the Executive Director of Operations  
Secretary to the Executive Director, Administration and Finance Division  
Secretary to the Executive Director, Supply Division

**Department of Social and Family Services**

Secretary to Executive Director, Programmes Division  
Secretary to Executive Director, Finance and Administration Division

**Department of Energy and Resources Management**

Secretary to the Executive Director, Deputy Minister's Office

**Department of Education**

Secretary to the Executive Assistant to the Minister  
Secretary to the Executive Assistant, Deputy Minister's Office  
Secretary to the Director, Applied Arts and Technology Branch  
Secretary to the Superintendent, OSD  
Secretary to the Superintendent, OSB

**Department of Correctional Services**

Assistant Secretary to the Minister  
Secretary to the Executive Assistant – Office of the Deputy Minister  
Secretary to Director of Information Services  
Secretary to Executive Director – Professional Services Division  
Secretary to Director After-Care Services – Professional Services Division  
Secretary to Executive Director – Admin. and Financial Services Division  
Secretary to Chief Accountant – Admin. and Financial Services Division  
Division  
Secretary to Administrator – Adult Male Institutions Branch  
Secretary to Administrator – Adult Female Institutions Branch

Secretary to Administrator — Training Schools Branch  
Office Manager — Jails Branch  
Secretaries to Superintendents — Institutions  
(Superintendent's Clerk & Clerk Stenographer — Guelph)  
Secretaries to Superintendents — Training Schools

**Reserved for Experience**

50136	Counsellor 4 (Residential Life)
50146	Instructor 4 (Occupational)
10150	Training Officer 1, Social Work



## APPENDIX V

### Exclusions to Bargaining Unit As Agreed Upon Between Ontario Hospital Services Commission and the Civil Service Association of Ontario.

Personnel Assistant  
Assistant to the Secretary to the Commission  
Manager, Subrogation  
Senior Consultant, Medical Records  
Administrative Assistant to the Commissioner of Hospitals  
Consultant, Nursing  
Personnel Officer  
Public Relations Manager  
Internal Auditor  
Financial Representative — Private Hospitals  
Senior Consultant, Nutrition  
Senior Consultant, Nursing  
Manager, Personnel  
Financial Representative  
Consultant, Special Studies  
Consultant, Hospital Planning  
Manager, Finance & Methods  
Manager, Claims Services  
Consultant, Hospital Administration  
Manager, Hospital Grants  
Senior Financial Representative  
Senior Solicitor & Counsel  
Consultant, Personnel Administration  
Senior Economist, Hospital Planning Research  
Senior Economist, Hospital Operating Analysis  
Senior Consultant, Rehabilitation  
Senior Consultant, Hospital Planning  
Senior Consultant, Hospital Administration  
Assistant Manager, Hospital Budgets  
Manager, Hospital Budgets Committee  
Director, Statistical Research  
Director, Finance, Methods & Data Processing  
Director, Hospital Budgets  
Chief Consultant, Hospital Administration  
Medical Consultant, Hospital Services Utilization  
Senior Medical Consultant, Hospital Programmes  
Senior Medical Consultant, Chronic & Home Care  
Senior Medical Consultant, Inspection Services  
Director, Hospital Operating Standards  
Director, Hospital Planning  
Medico-Legal Consultant  
Director, Hospital Programmes  
Director, Hospital Care Standards

## APPENDIX VI

### **Additional Recommended Exclusions to Bargaining Unit Concerning Ontario Hospital Services Commission.**

Medical Consultant, Care Standards  
Medical Statistician, Medical Care Analysis  
Research Economist  
Group Leader – Financial Representative  
Junior Consultant – Special Studies  
Planning Officer  
Consultant – Hospital Equipment  
Consultant – Special Facilities Planning  
Research Architect  
Consultant, Mechanical and Electrical Services  
Medical Consultant, Programmes Planning  
Consultant, Home Care Programmes  
Consultant, Patient Services Co-ordination  
Solicitor and Counsel  
Consultant, Fire Prevention & Explosion Hazards  
Senior Consultant, Hospital Systems & Data Processing  
Medical Consultant, Hospital Programmes  
Director, MORU  
Associate Director and Technical Chief, MORU  
Senior Management Analyst MORU  
Management Analyst, MORU  
Management Analyst (Junior) MORU  
Management Analyst, MORU (University Entry)  
Consultant, Economist  
Secretary to the Secretary to the Commission  
Secretary to a Director.

## **APPENDIX VII**

### **Composite List of Agreed Upon Exclusions to Bargaining Unit Concerning The Ontario Hospital Services Commission.**

#### **Executive**

Chairman & General Manager  
Commissioner of Hospitals  
Commissioner of Finance  
Secretary to the Commission

#### **Professional & Managerial Groups**

##### **Hospital Services Branch**

Consultant Economist  
Administrative Ass't to the Commissioner of Hospitals

##### **Statistical Research Division**

Director, Statistical Research  
Medical Statistician, Medical Care Analysis  
Sr. Economist, Hospital Planning Research  
Sr. Economist, Hospital Operating Analysis  
Research Economist, Hospital Planning Research  
Research Economist, Hospital Operating Analysis  
Economist, Hospital Planning Research  
Economist, Hospital Operating Analysis  
Economist, University Entry  
Economist, Experienced Entry

##### **Hospital Operating Standards Division**

Director, Hospital Operating Standards  
Chief Consultant, Hospital Administration  
Sr. Consultant, Hospital Administration  
Consultant, Hospital Administration  
Consultant, Personnel Administration  
Personnel Surveys Officer  
Sr. Consultant, Nursing  
Consultant, Nursing  
Sr. Consultant, Nutrition  
Consultant, Nutrition  
Sr. Consultant, Medical Records  
Consultant, Medical Records  
Consultant, Fire Prevention & Explosion Hazards  
Consultant, Laundry & Development  
Consultant, Pharmacy & Equipment



**Hospital Programmes Division**

Director, Hospital Programmes

Sr. Medical Consultant, Hospital Programmes

Medical Consultant, Hospital Programmes

Sr. Consultant, Rehabilitation

Rehabilitation Consultant, Occupational Therapy

Rehabilitation Consultant, Physiotherapy

**Hospital Care Standards**

Director, Hospital Care Standards

Sr. Medical Consultant, Chronic & Home Care

Sr. Medical Consultant, Inspection Services

Medical Consultant, Hospital Services Utilization

Medical Consultant, Care Standards

Consultant, Home Care Programmes

Consultant, Patient Services Co-Ordinator

Nurse Inspector, Private Hospitals

Nurse Inspector, Approved Nursing Homes

**Hospital Planning Division**

Director, Hospital Planning

Sr. Medical Consultant, Programmes Planning

Medical Consultant, Programmes Planning

Sr. Consultant, Hospital Planning

Research Architect

Consultant, Hospital Planning

Consultant, Special Facilities Planning

Planning Officer

Manager, Hospital Grants

Hospital Grants Analyst

Consultant, Mechanical & Electrical Services

Consultant, Hospital Equipment

**Emergency Health Services**

Director, Emergency Health Services

Sr. Medical Consultant

Manager, Ambulance Operations

Financial Representative

Logistics Planning Officer

Logistics Officer

Sr. Nurse Consultant

Nurse Consultant, Training

Nurse Training

**Finance Branch**

Internal Auditor

Auditor, Internal Audit

**Hospital Budgets Division**

Director, Hospital Budgets  
Assistant Director, Hospital Budgets  
Manager, Hospital Budgets Committee  
Group Leader, Financial Representative  
Sr. Financial Representative  
Consultant, Special Studies  
Financial Representative  
Financial Representative Private Hospitals  
Financial Representative Other Facilities  
Jr. Consultant, Special Studies  
Auditor, Hospital Budgets  
Hospital Budgets Analyst

**Finance, Methods & Data Processing Division**

Director, Finance, Methods & Data Processing  
Sr. Consultant, Hospital Systems & Data Processing  
Systems Consultant  
Manager, Finance & Methods  
Methods Analyst & Budget Accountant  
Accountant  
Manager, Claims Services  
Assistant Manager, Claims Services  
Purchasing & Administrative Services Officer

**Secretary's Branch**

Medico-Legal Consultant  
Sr. Solicitor & Counsel  
Solicitor & Counsel  
Manager, Personnel  
Personnel Officer  
Personnel Assistant  
Public Relations Manager  
Manager, Subrogation  
Assistant to the Secretary to the Commission

**Chairman's Office**

Director, Management & Operations Research Unit  
Associate Director & Technical Chief  
Sr. Management Analyst (Group Leader)  
Management Analyst  
Management Analyst (Entry No. 2)  
Management Analyst (Entry No. 1)

## **Clerical & Administrative Group**

### **Claims Department**

Supervisor, Claims Approval  
Supervisor, Claims Processing  
Hospital Contact Officer

### **Emergency Health Services Division**

Administrative Officer  
Regional E.H.S. Officer  
Co-Ordinator, Communications & Operations

### **Legal Office**

Administrative Assistant to the  
Medico-Legal Consultant

### **Personnel Office**

Secretary to the Personnel Manager  
Employment Assistant  
Supervisor, Records & Benefits  
Records Clerk

### **Secretarial — Senior Positions**

Secretary to the Chairman & General Manager  
Secretary to the Senior Co-ordinating Committee  
Secretary to the Commissioner of Hospitals  
Secretary to the Commissioner of Finance  
Secretary to the Secretary to the Commission  
Secretary to the Hospital Budgets Committee  
Secretary to the Hospital Planning Committee  
Secretary to the Director, Research & Statistics  
Secretary to the Director, Hospital Operating Standards  
Secretary to the Director, Hospital Programmes  
Secretary to the Director, Hospital Care Standards  
Secretary to the Director, Hospital Planning  
Secretary to the Director, Emergency Health Services  
Secretary to the Director, Hospital Budgets  
Secretary to the Director, Finance, Methods & Data Processing  
Secretary to the Director, Management & Operations Research  
Secretary to the Associate Director  
Secretary to the Medico-Legal Consultant  
Secretary to the Senior Solicitor & Counsel  
Secretary to the Manager, Finance & Methods

## **Maintenance Groups**

Night Foreman  
Chief Stationary Engineer



## **APPENDIX VIII**

**Exclusions to Bargaining Unit As Agreed Upon Between Ontario Water Resources Commission and the Civil Service Association of Ontario.**

### **Administration**

#### **General Manager's Office**

General Manager

Secretary to Chairman

Secretary to Vice-Chairman

Assistant General Manager

Secretary 5

Assistant to the General Manager (Executive Officer 2)

Clerk 5 General

#### **Commission Secretary's Office**

Commission Secretary

#### **Information Office**

Executive Officer (Press Relations)

#### **Legal**

Legal Officer 5 (Senior Solicitor)

#### **Mechanical Services**

Superintendent of Mechanical Services

### **Division of Construction**

Director

Assistant Director

Supervisor

### **Division of Finance**

#### **Administration**

Director

Chief Accountant (Departmental Accountant 5)

#### **Budget**

Budget Officer (Departmental Accountant 4)

#### **General Accounting**

Clerk 6 General

Departmental Accountant 3

### **Division of Industrial Wastes**

#### **Administration**

Director

Assistant Director

**Design Approvals & Special Projects**

Assistant Supervisor

**Field Services**

Supervisor

District Engineer

Acting District Engineer

**Division of Laboratories****Administration**

Director

Executive Officer 1

**Bacteriology**

Supervisor

**Biology**

Supervisor

**Chemistry 1**

Supervisor

Scientist 3 (Supervisor of London Laboratory)

Assistant Supervisor

**Chemistry 2**

Supervisor

**Division of Plant Operations**

Director

Assistant Director

Regional Supervisor

Operations Engineer

Technician Specialist 3

Technician Maintenance 3

Assistant Operations Engineer

**Division of Project Development****Administration**

Director

**Projects**

Acting Assistant Director

**Property**

Chief Property Agent (Property Agent 5)

**Division of Research**

**Administration**

Director

**Field Projects**

Supervisor

**Special Studies**

Supervisor

**Technical Services**

Supervisor

**Division of Sanitary Engineering**

**Administration**

Director

Assistant Director

Supervisor

**Design Approvals**

Supervisor

**District Engineers**

Supervisor

District Engineer

**Plumbing & Boating**

Supervisor

**Water Quality Surveys**

Supervisor

Program Engineer

Technician Sanitary Engineering 6

**Division of Water Resources**

**Administration**

Director

Assistant Director

Cartographer 5

**Hydrologic Data**

Supervisor

Engineer 2 – Program Engineer

**River Basin Research**

Supervisor



## **Surveys & Projects**

Supervisor

Acting Program Engineer

Engineer 3 – Program Engineer

## **Water & Well Management**

Supervisor

## **Lake Huron Water Supply System**

(Manager) Engineer

Superintendent

## **Lake Erie Water Supply System**

Chief Operator

Superintendents and Chief Operators  
at the following Plants:

Bertie Township

Brampton

Brantford

Burlington

Chatham

Dunnville

Essex

Fort William

Galt

Goderich

Kitchener

Lakeview

North Bay

Port Colborne

Sault Ste. Marie

Stratford

Waterloo

Lake Huron

Cornwall

Chief Operators at the following Plants:

Battawa and Trenton

Belleville

Coniston

Corunna

Elmira

Espanola

Fenelon Falls

Fergus

Fort Erie

Fort Frances

Frankford

Georgetown

Huntsville

Kingston

Markham Township

Markham Village

Midland

Nepean

Newmarket

Orangeville

Owen Sound

Paris

Parry Sound

Point Edward

Port Arthur

Port Dover

Preston

Richmond Hill

Simcoe

Streetsville

Sudbury

Tillsonburg

Timmins

Waterdown

Westminster

Ear Falls

Haileybury

Lake Erie

Moosonee

## APPENDIX IX

### Additional Recommended Exclusions to Bargaining Unit Concerning Ontario Water Resources Commission

Clerk 5 Filing  
Clerk 7 General  
Departmental Accounts 1 and 2  
Engineer 1, 2, 3, 4, 5, 6, 7  
Geologist 1  
Legal Officer 2 and 4  
Property Agent 3  
Personnel Office Staff  
Systems and Procedures Officer 1 and 2  
Technician Construction 4  
Assistant Supervisor  
Assistant Geologist 2  
Design Approvals Engineer  
Program Engineer  
Scientist 2 – Supervising Bacteriologist  
Scientist 2 – Supervising Scientist Inorganic Lab.  
Scientist 2 – Project Scientist  
Scientist 3 – Supervising Bacteriologist  
Scientist 3 – Senior Scientist (Pollution)  
Scientist 3 – Senior Scientist (Water)  
Scientist 3 – Supervisor of Field Operations  
Scientist 4 – Supervising Scientist Organic Lab.  
Scientist 4 – Project Scientist  
Technician Sanitary Engineering 6  
Secretary 4 – Secretary to Director  
Secretary 4 – Secretary to Senior Solicitor  
Secretary 4 – Secretary to Commission Secretary  
Scientist 1 – Supervisor, Mobile Lab.  
Scientist 2 – Assistant to Senior Scientist

## APPENDIX X

**Exclusions to Bargaining Unit As Agreed Upon Between The Niagara Parks Commission (Police Unit) and the Civil Service Association of Ontario.**

Chief Constable  
Staff Sergeant  
Sergeant



## APPENDIX XI

### Exclusions to Bargaining Unit As Agreed Upon Between The Niagara Parks Commission and the Civil Service Association of Ontario.

General Manager  
Secretary to General Manager (2)  
Administrative Assistant to the General Manager  
Chief Accountant  
Office Manager  
General Purchasing Agent  
Purchasing Agent  
Superintendent of Parks  
Superintendent of School of Horticulture  
Superintendent of Works Department  
Superintendent of Service Department  
Assistant to Superintendent of Service Department  
Superintendent of Engineering and Roads  
Superintendent of Golf Courses  
Director of Personnel  
Personnel Assistant  
Secretary — Personnel Department  
Paymaster  
Manager Table Rock House  
Assistant Manager Table Rock House  
Manager Princess Elizabeth Building  
Assistant Manager Princess Elizabeth Building  
Manager Refectory  
Assistant Manager Refectory  
Manager Warehouse  
Manager Fort Erie Pavilion  
Supervisor of Cafeteria  
Chef  
Manager Queenston Heights Restaurant  
Manager Queenston Pavilion  
Manager Niagara Glen Restaurant  
Custodian Fort George  
Foreman Mason  
Foreman Carpenter  
Foreman Mechanic  
General Foreman Road Department  
Foreman Road Department  
General Foreman Horticultural Department  
Foreman Queen Victoria Park

Foreman Greenhouse  
Foreman Forestry Department  
Foreman Section 5 & 6  
Foreman Section 13 — Charles Daley Park  
Foreman Section 14 — Stoney Creek Park  
Manager Fort Erie Park  
Botanist

## APPENDIX XII

### **Additional Recommended Exclusions to Bargaining Unit Concerning The Niagara Parks Commission.**

Secretary 2

Administrative Assistant to the General Manager

Superintendent of Parks

Superintendent of Service Department

Departmental Accountant 1 Cashier

Man in Charge of Areas and Shifts

Section 4

Oakes Garden Theatre

Kings Bridge Park

Section 10 Dufferin Island to Fort Erie

Sections 1, 2, 3 Butler's Burying Ground

Niagara on the Lake Area to Queenston

School of Horticulture Grounds

Paint Shop

Welders and Blacksmith Shop

Manager Golf Club House

Cook 3 Refectory

Cook 4 Refectory

Manager—Niagara Spanish Aero Car.



## APPENDIX XIII

September 22nd, 1964

Mr. Donald Roach  
President, Local 767  
Canadian Union of Public Employees  
1525 Dundas Street West,  
Apartment 502,  
Toronto 3, Ontario

Dear Mr. Roach:

At our meeting in my office and in your subsequent letter to me, you expressed some concern regarding the status of Local 767, CUPE, when the Metropolitan Toronto Housing Authority is merged with the Ontario Housing Corporation.

I have since looked into this matter and am advised that the transfer to the Ontario Housing Corporation of unionized staff now employed by the Metropolitan Toronto Housing Authority does not present any difficulties. The employees concerned will not be appointed under the terms of The Public Service Act but will be hired directly by the Ontario Housing Corporation. In this manner they will continue to enjoy the conditions of employment negotiated by collective agreement with the Metropolitan Toronto Housing Authority, which as of November 1st will be superseded by the Ontario Housing Corporation. Subsequent negotiations from that date will be with this latter body.

I am sure that your relationship with the Ontario Housing Corporation will continue in the same cordial vein as had been established by the Housing Authority.

Yours very truly,

Stanley J. Randall

SJR:JM

## APPENDIX XIV

### Exclusions to Bargaining Unit As Agreed Upon Between Community Colleges and the Civil Service Association of Ontario

President

Vice-President

Business Administrator, Comptroller, and/or Bursar

Registrar and/or Director of Admissions

Director of Student Affairs

Superintendent of Plant and Property

Executive Secretary to the Board of Governors

Treasurer

Assistant to the President

Assistant Registrar

Assistant Bursar

Purchasing Officer/Agent

Manager, Computer Centre

Office Manager

Bookstore Manager

Cafeteria Supervisor

Personnel Officer

Accountant

Budget Analyst

Head Bookkeeper (supervisory position)

Payroll and Personnel Clerk

Assistant Superintendent of Plant and Property

Building (Maintenance) Supervisor/Foreman

Supervisor/Foreman, Caretaking/Janitorial Services

Chief Engineer

Educational Resources Supervisor (Audio-Visual Supervisor)

Confidential Secretary to

President

Vice-President

Assistant to President

Executive Secretary to the Board of Governors

Business Administrator, Comptroller, Bursar and/or Treasurer

Dean and/or Principal

Director of Extension and/or Manpower Training

Superintendent of Plant and Property

Personnel Officer

## APPENDIX XV

### S.C.O.

#### Toronto Weekly Court

HAROLD MORGAN and LEONARD BOSTROM, on their own behalf and on behalf of each and every member of federated associations affiliated with the ONTARIO FEDERATION OF COMMUNITY COLLEGE FACULTY ASSOCIATIONS,

**A.E. Golden**, for  
the Plaintiffs.

**J.D. Brownlie**, for  
the Defendant.

Plaintiffs;

—and—

THE CIVIL SERVICE ASSOCIATION OF ONTARIO  
(INC.),

Defendants.

LACOURCIERE, J:

This is a motion for an interlocutory injunction to restrain the defendant, until the trial or other final disposition of this action, from:

(a) advertising, publishing or otherwise using in any way whatsoever the name Ontario Community College Faculty Association or any other name similar or identical to the name Ontario Federation of Community College Faculty Associations in any manner calculated to deceive any person as to the identity of the defendant or its authority to represent the plaintiffs; and

(b) purporting to represent the plaintiffs or any of them in their negotiations or dealings with the Ontario Council of Regents for Colleges of Applied Arts and Technology or Boards of Governors of various colleges established under s. 14a of the Department of Education Act, R.S.O. 1960, c. 94 as amended by Statutes of Ontario, 1965, c. 28, s.1 with respect to terms and conditions of their employment, whether with respect to individual contracts or general terms and conditions;

(c) in any way warranting or representing that it is authorized to act on behalf of the plaintiffs.

Decision was reserved to allow me an opportunity to properly examine the material filed, and particularly to familiarize myself with The Ontario Public Service Act, 1961-62 and Ontario Regulation 190/62, The Department of Education Amendment Act, 1965 with respect to the establishment of Colleges of Applied Arts and Technology, and the Regulations made thereunder. I also wanted to review the cases setting out the principles to be considered in the exercise of the Court's discretionary jurisdiction, and I have accordingly considered the following cases:



**Playter v. Lucas** (1921), 51 O.L.r. 492  
**Ontario Jockey Club v. Smith** (1922), 22 O.W.N. 373  
**The Chesapeake and Ohio Railway Company v. Ball** (1953), O.R. 843  
**The Law Society of Upper Canada v. MacNaughton et al**, (1942) O.W.N. 551  
**Thompson v. Cheeseworth** (1920), 18 O.W.N. 419  
**Toronto Transit Commission v. Aqua Taxi Limited et al**, (1955) O.W.N. 857  
**Robinson v. Toronto General Trusts Corporation** (1921), 19 O.W.N. 477  
**McLaren v. Caldwell et al** (1880), 5 O.A.R. 363

I am satisfied that the use of the name “Ontario Community College Faculty Association” was never authorized by the Federation represented by the plaintiffs in this class action, and that the change of name announce by the defendant by letter Exhibit “H” to the plaintiff Morgan’s affidavit, is an attempt to mislead and confuse the membership, and calculated to cause to the Federation loss of membership support. Because of the danger and indeed likelihood of confusion, the use of the name should be restrained.

I have given anxious consideration to the other aspects of the application, and I would be reluctant to arrive at any conclusion on the right of the defendant to represent the plaintiffs in the contract negotiations, notwithstanding the persuasive impact of the decision of the Ontario Labour Relations Board No. 13601-67-R that decision, **The Civil Service Association of Ontario v. Fanshawe College of Applied Arts and Technology**, holding that the respondent College is an agent of the Crown and thus excluding it from the application of the Ontario Labour Relations Act, leaves the matter open for determination by this Court.

The plaintiff applicants herein claim to have a membership of 1020 members representing 54.4% of qualified employees, being teachers engaged in the Communtiy Colleges. Sections 19(a) and 19(b) of The Public Service Act 1961-62, c. 121, as amended, do not appear to confer to the staff side of the Joint Council created the exclusive bargaining right, authority or agency on behalf of the Crown employees.

In any event, I am of the opinion that the right to represent the members of the federated association affiliated with the Ontario Federation of Community College Faculty Associations and to bargain on their behalf should be determined after a trial, and that the same should be expedited. It would be most regrettable if, in the meantime, the defendant was allowed to negotiate terms of employment which may turn out to be not binding on the plaintiffs. Irreparable injury, although of difficult calculation, would thereby be caused to the members of the class represented by the plaintiffs which could not be compensated by damages.

The following rule, taken from **Playter v. Lucas**, *supra*, appears to me to be applicable:

“Where the legal right is not sufficiently clear to enable the Court to form an opinion it will generally be governed in deciding an application for an interim injunction by considerations of the relative convenience and inconvenience which may result to the parties from granting or withholding the order.

And where it appears that greater danger is likely to result from granting than withholding the relief, or where the inconvenience seems to be equally divided as between the parties, the injunction will not be granted.”

To the same effect is the statement of Middleton J. in **Ontario Jockey Club v. Smith, supra**, at p. 374:

“The learned Judge did not attempt to consider the validity of these contentions, as, in his view, there was a serious and far-reaching question to be determined; and, once satisfied that this is the case, his duty upon an injunction motion is to devise some way by which the subject-matter of the suit may be kept safely pending the final determination of the action.”

As I believe that the rights of the parties ought to be preserved in the status quo pending trial, an order will go in terms of the notice of motion. Costs of the application to the plaintiffs in the cause. Terms to expedite trial may be spoken to if necessary.

January 30th, 1969

“W Lacourciere, J.”

## APPENDIX XVI

### MEMORANDUM OF UNDERSTANDING

BETWEEN— The Province of Ontario

AND The Canadian Union of Public Employees, and its Local 878 and 79.

The parties agree to recommend to their principals the following:—

1. That Judge Little's enquiry be expanded to deal with the problem of the Don Jail and Magistrates' Court and that the Canadian Union of Public Employees be afforded the opportunity of making verbal and written representations to this enquiry.
2. That pursuant to the grievance procedure set out in the regulations under The Public Service Act, any officer of locals 878 or 79 CUPE will be recognized as "employee representative" for a grievor.
3. All employees affected by Orders-in-Council of December 7th, 1967, and the amendments thereto dated December 20th, 1967, including those represented by locals 878 and 79 CUPE, on December 31st, 1967, who have completed six months of service including service with the municipality prior to January 1st, 1968, shall be appointed to the regular staff of the classified service. In the case of probationary jail employees this will be contingent upon successful completion of the pre-permanent examination.
4. Gross pay, including shift allowance, if any, will be maintained for all employees who were employed by the municipality at December 31st, 1967. Employees will proceed to their maximum rate for the position under the municipal wage structure as at December 31st, 1967. Anniversary dates and continuous service with the municipality will be honoured for this purpose.
5. On the basis of the estimated amount for one year by which the annual value of expenditures by the employer on fringe benefits in respect of the custodial employees of the Metropolitan Toronto Jail exceeds that in respect of employees in the civil service as at December 31st, 1967, the sum of \$152.00 will be paid to each such employee who has become a civil servant or becomes a civil servant upon the execution of this Memorandum of Understanding. "Fringe Benefits" in this paragraph means:
  1. Group Life Insurance
  2. Ontario Hospital Insurance
  3. Supplementary Hospital Insurance
  4. Surgical Medical Insurance
  5. Sickness Indemnity
  6. Paid Sick Leave
  7. Pension Plans



8. Paid Vacations
9. Paid Statutory Holidays
10. Paid Rest periods
11. Paid personal Leave

This provision does not apply to the employees who were represented by local 79 on December 31st, 1967, as it is estimated that the value of their fringe benefits, similarly calculated, is less than the value of the fringe benefits to which they are entitled in the civil service.

6. The employer and the Unions shall not discriminate against any person including those in the bargaining units of locals 878 and 79 CUPE or shall these persons be refused employment or continuation of employment, or shall they have imposed on them any discriminatory term or condition of employment because they participated in or refused to participate in the recent work stoppage.

7. Employees who have been dismissed because of the work stoppage shall be reinstated forthwith without loss of pay or other benefits.

8. All employees involved in the work stoppage shall return to work forthwith. The employer shall not interfere in any way with the employees' right to retain membership in their respective unions. Upon ratification of this Memorandum payroll deduction of monthly union dues for Metropolitan Toronto Jail and Magistrates' Courts employees will be made applicable on a voluntary revocable basis until and including December 31st, 1968.

Local 878 or 79 CUPE members shall not suffer threat of dismissal, or any other kind of threat or suffer any imposition of a pecuniary or other penalty or be subject to any kind of pressure to cease to be a member or officer of their local union.

SIGNED at the City of Toronto this 15th day of January, 1968.

On behalf of the Province of Ontario

"Robert Johnston"

"H. Copland"

"Elsie Etchen"

The Canadian Union of Public Employees and its Locals 878 and 79:

" "

President-Local 878 C.U.P.E.

"Grace Hartman"

For the Canadian Union  
of Public Employees

"Wallace Higgins"

President-Local 79 C.U.P.E.

Witnessed by: "W.H. Dickie"  
Director of Conciliation Services  
Ontario Department of Labour.

## **APPEARANCES AT HEARINGS**

### **The Collective Bargaining Review Committee Appointed by Treasury Board**

C. E. Brannan, Esq. — Chairman — Secretary of Treasury Board  
A.T.C. McNab, Esq. — Member — Deputy Minister of Highways  
T. M. Eberlee, Esq. — Member — Deputy Minister of Labour

R. V. Hicks, Esq. Q.C. — Counsel  
R. D. Johnston, Esq. — Secretary of the Committee — Deputy Minister,  
Department of Civil Service (formerly — Director of Staff Relations,  
Treasury Board)

#### **Assistants to the Committee**

H. Copland, Esq. — Executive Director of the Department of Civil Service  
Mrs. E. Etchen — Director Pay & Classifications  
Walter Kacur, Esq. — Senior Staff Relations Adviser  
W. E. Rooke, Esq. — Staff Relations Officer, Department of Civil Service  
R. C. Evans, Esq. — Classification Officer, Department of Civil Service  
D. W. Pollock, Esq. — Classification Officer, Department of Civil Service  
H. S. Mace, Esq. — Staff Relations Officer, Department of Civil Service  
J. W. Filby, Esq. — District Classification Supervisor, Department of  
Highways  
D. J. Collins, Esq. — Chairman and Deputy Minister, Department of Civil  
Service (now Chairman of the Ontario Water Resources Commission)

#### **Civil Service Association of Ontario**

Harold Bowen, Esq. — General Manager  
George Gemmell, Esq. — President  
J. M. Galimberti, Esq. — Research Director  
N. D. Smith, Esq. — Vice-President  
G. Jones, Esq. — Chief Representative  
B. Coffey, Esq. — Representative

#### **Ontario Water Resources Commission**

D. G. Pyle, Esq. — Consultant  
James A. Vance, Esq. — Chairman  
D. S. Caverly, Esq. — General Manager  
A. R. W. Uren, Esq. — Director of Personnel

#### **Ontario Housing Corporation**

R. A. Williamson, Esq. — Counsel and Consultant  
E. Clow, Esq. — Chairman  
H. W. Suters, Esq. — Vice-Chairman and Managing Director  
E. Whaley, Esq. — Deputy Managing Director  
G. H. Fulford, Esq. — Director of Personnel

**The Liquor Control Board and the  
Liquor License Board**

J. G. Spragge, Esq. — General Manager  
R. S. Parrett, Esq. — Personnel Director  
W. J. Evans, Esq. — Executive Officer  
R. McClelland, Esq. — Classifications Officer  
Hugh Brown, Esq. — Registrar, Liquor License Board

**The Employees' Association of  
The Liquor Control Board and the  
Liquor License Board**

J. H. Osler, Esq., Q.C. — Counsel  
P. DeLuca, Esq. — President  
V. Large, Esq. — Vice-President  
F. Knowlton, Esq. — Vice-President  
Robert Ferguson, Esq. — Executive Secretary

**Colleges of Applied Arts and Technology**

F. G. Hamilton, Esq. — Counsel  
Dr. H. H. Kerr, Esq. — Chairman of Council  
H. W. Jackson, Esq. — Executive Secretary of Council  
D. O. Davis, Esq. — Chairman Staff Relations Committee

**The Niagara Parks Commission**

The Honourable James N. Allan — Chairman  
M. S. Cushing, Esq. — Administrative Assistant  
J. S. Walker, Esq. — Director of Personnel

**The Ontario Provincial Police**

E. H. Silk, Esq. Q.C. — Commissioner  
Thomas Trimble, Esq. — Deputy Commissioner  
John Harding, Esq. — Director of Personnel  
D. N. Omand, Esq. — Executive Director — Department of Civil Service

**The Ontario Provincial Police Association**

W. Z. Estey, Esq. Q.C. — Counsel  
D. F. MacDonald, Esq. — Executive Manager  
G. H. Horne, Esq. — Chairman, Board of Directors  
R. M. Small, Esq. — Director  
J. A. Wood, Esq. — Director and Member of Negotiating Team  
S. E. Forster, Esq.

**Ontario Hospital Services Commission**

F. G. Hamilton, Esq. — Counsel  
Thomas C. Grice, Esq. — Secretary  
Dr. Frederick Evis, Q.C. — Medical Legal Consultant



**Canadian Union of Public Employees  
and its Locals 878 and 79**

J. H. Osler, Esq. Q.C. — Counsel

Kealey Cummings, Esq. — General Vice-President, C.U.P.E.

Percy Huggett, Esq. — Regional Vice-President and President of Ontario  
Division C.U.P.E.

William A. Acton, Esq. — Ontario Regional Director C.U.P.E.

Arthur Riseley, Esq. — Assistant Regional Director C.U.P.E.

Wallace Higgins, Esq. — President, Local 79

James Chepswick, Esq. — Vice-President, Local 79

Thomas Paton, Esq. — Director of Administration, Local 1000

Andre Bekerman, Esq. — Education and Publicity Officer Local 1000

**DATES OF MEETINGS**

July 11th, October 26th, November 6th, 7th, 8th, 16th and 17th, 1967;

January 19th, February 15th, March 27th, 28th, May 1st, 2nd, June 21st,

August 7th, 14th, 21st, September 10th, 18th, 19th, October 25th,

November 21st, 22nd, and December 20th, 1968;

January 10th and March 12th, 1969.





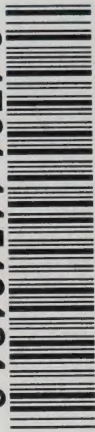












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